
STATUTORY INSTRUMENTS

2008 No. 1898

**The Gas and Electricity (Consumer Complaints
Handling Standards) Regulations 2008**

PART II

Standards for handling consumer complaints

Regulated providers' complaints handling procedure

- 3.**—(1) A regulated provider must have in place at all times a complaints handling procedure.
- (2) Each regulated provider must comply with its complaints handling procedure in relation to each consumer complaint it receives.
- (3) Each regulated provider's complaints handling procedure must:
- (a) be in plain and intelligible language;
 - (b) allow for consumer complaints to be made orally (by telephone or in person at the regulated provider's business premises) or in writing (including by email);
 - (c) allow for consumer complaints to be progressed through each stage of the complaints handling process orally (by telephone or in person at the regulated provider's business premises) or in writing (including by email);
 - (d) describe the steps which the regulated provider will take with a view to investigating and resolving a consumer complaint and the likely timescales for each of those steps;
 - (e) provide for an internal review of an existing consumer complaint where a complainant indicates that they would like such a review to occur because they are dissatisfied with the handling of that consumer complaint;
 - (f) inform relevant consumers of the names and contact details of the main sources of independent help, advice and information that are available to them. For these purposes a source of help, advice and information shall be independent if it is independent of regulated providers, a qualified redress scheme and the Authority;
 - (g) describe the relevant consumer's right to refer a consumer complaint to a qualifying redress scheme:
 - (i) on and from the point at which the regulated provider notifies the relevant consumer in writing that it is unable to resolve the consumer complaint to the relevant consumer's satisfaction; and
 - (ii) after the expiry of the specified time period; and
 - (h) set out the different remedies that may be available to a relevant consumer under the complaints handling procedure in respect of a consumer complaint, which remedies must include:
 - (i) an apology;
 - (ii) an explanation;

- (iii) the taking of appropriate remedial action by the regulated provider; and
- (iv) the award of compensation in appropriate circumstances.

(4) Those regulated providers who hold a licence under:

- (a) section 7A(1) of the Gas Act 1986; or
- (b) section 6(1)(d) of the Electricity Act 1989,

must include in their complaints handling procedure as a remedy the award of compensation to domestic consumers, in appropriate cases, where the domestic consumer has been adversely affected by a failure of that regulated provider to comply with its obligations under, respectively, standard condition 25 (Marketing gas to domestic customers) of the Standard Conditions of the Gas Supply Licence or standard condition 25 (Marketing electricity to domestic customers) of the Standard Conditions of the Electricity Supply Licence.

Recording complaints upon receipt

4.—(1) Upon receipt of a consumer complaint a regulated provider must record in a written, electronic format the following details:

- (a) the date that the consumer complaint was received;
- (b) whether the consumer complaint was made orally or in writing;
- (c) the identity and contact details of the relevant consumer making the consumer complaint or on whose behalf the consumer complaint is made;
- (d) where the regulated provider who receives the consumer complaint holds a licence under section 7A(1) of the Gas Act 1986 or under section 6(1)(d) of the Electricity Act 1989 or both, the account details of the relevant consumer making the consumer complaint or on whose behalf the consumer complaint is made;
- (e) a summary of the consumer complaint;
- (f) a summary of any advice given or action taken or agreed in relation to the consumer complaint;
- (g) whether the consumer complaint has become a resolved complaint and, if so, the basis upon which the regulated provider considers that the consumer complaint is a resolved complaint; and
- (h) the method for future communication (if any) that has been agreed with the complainant.

(2) Where any subsequent contact is made with the regulated provider in relation to an existing consumer complaint that regulated provider must, upon receipt of that subsequent contact, record:

- (a) the date of that contact;
- (b) whether the subsequent contact was made orally or in writing;
- (c) whether the complainant making the subsequent contact is the same complainant as, or different to, the complainant who made the original contact regarding an existing consumer complaint and, where different, the identity and contact details of the complainant making the subsequent contact;
- (d) a summary of that contact;
- (e) a summary of any advice given or action taken or agreed in response to any points raised in that contact;
- (f) whether the consumer complaint has become a resolved complaint and, if so, the basis upon which the regulated provider considers that the consumer complaint is a resolved complaint; and
- (g) the method for future communication (if any) that has been agreed with the complainant.

(3) All details recorded in accordance with paragraph (2) must be clearly linked to an existing consumer complaint.

(4) For the purposes of paragraphs (1) and (2) and Regulation 5, a consumer complaint or any subsequent contact shall be treated as having been received by a regulated provider:

- (a) where the consumer complaint or subsequent contact is made orally (by telephone or in person at the regulated provider's business premises), at the time at which it is received by that regulated provider;
- (b) where the consumer complaint or subsequent contact is made in writing (including by email) and it is received before 1700 hours on a working day, on the working day that it is received by that regulated provider;
- (c) where the consumer complaint or subsequent contact is made in writing (including by email) and it is received by the regulated provider after 1700 hours on a working day or at any time on a day that is not a working day, on the first working day immediately following the day upon which it is received by that regulated provider.

(5) Where a complainant claims to have made a consumer complaint in respect of a matter but it is not possible to identify a relevant existing consumer complaint, the regulated provider must record the fact that it is unable to trace the existing consumer complaint.

(6) Where a regulated provider has recorded that a consumer complaint is a resolved complaint but subsequent contact from a complainant in relation to that consumer complaint indicates that it is not a resolved complaint, the regulated provider:

- (a) must record details of this change in the consumer complaint's status in its recording system;
- (b) must as soon as reasonably practicable after becoming aware of the fact that the consumer complaint is not a resolved complaint:
 - (i) direct the complainant to the complaints handling procedure on its website; and
 - (ii) offer to provide a copy of the complaints handling procedure to the complainant free of charge;
- (c) must take account of that consumer complaint in any report which it is obliged to prepare and publish in accordance with Regulation 11; and
- (d) shall not otherwise be entitled to treat that consumer complaint as a resolved complaint for the purposes of these Regulations until that consumer complaint is demonstrably a resolved complaint.

Recording handling of complaints

5.—(1) In addition to recording information in accordance with Regulation 4, each regulated provider must keep a written, electronic record of the matters specified in paragraph (2) below for each consumer complaint which it receives where that consumer complaint has not become a resolved complaint by the end of the working day after the day on which the consumer complaint was first received by that regulated provider.

(2) The matters which must be recorded in accordance with paragraph (1) are:

- (a) the steps the regulated provider has taken in response to each such consumer complaint, including any steps it has taken to resolve that consumer complaint;
- (b) the date (if any) upon which any such consumer complaint became a resolved consumer complaint;
- (c) the date (if any) upon which the specified time period expired; and

- (d) the date (if any) upon which the relevant consumer who made the consumer complaint, or on whose behalf the consumer complaint was made, was informed of their right to refer that consumer complaint to a qualifying redress scheme in accordance with Regulation 6(3).

Signposting consumers to the redress scheme if complaints cannot be resolved

6.—(1) The regulated provider must send a relevant consumer a written notice informing that relevant consumer of the matters addressed at paragraph (2) in the circumstances described at paragraph (3).

(2) A notice sent in accordance with paragraph (1) must notify the relevant consumer:

- (a) of their right to refer the consumer complaint to a qualifying redress scheme;
- (b) that the qualifying redress scheme process is independent of the regulated provider;
- (c) that the qualifying redress scheme process is free of charge to the relevant consumer and to any other category of complainant;
- (d) of the types of redress that may be available under a qualifying redress scheme; and
- (e) that any outcome of the qualifying redress scheme process is binding upon the regulated provider but not upon the relevant consumer or any other category of complainant.

(3) A regulated provider must send a notice to a relevant consumer in accordance with paragraph (1) on the earlier of:

- (a) the first working day after the day (if any) upon which that regulated provider becomes aware that it is not able to resolve a consumer complaint to that relevant consumer's satisfaction; and
- (b) the date upon which the specified time period for that consumer complaint expires unless that date falls on a day that is not a working day, in which case the first working day thereafter.

Allocation and maintenance of adequate resources for complaints handling

7.—(1) Each regulated provider must:

- (a) receive, handle and process consumer complaints in an efficient and timely manner; and
- (b) allocate and maintain such level of resources as may reasonably be required to enable that regulated provider to receive, handle and process consumer complaints in an efficient and timely manner and in accordance with these Regulations.

Section 12 and 13 complaints

8.—(1) A regulated provider must, after discussion with the Council, put in place appropriate arrangements to deal effectively with section 12 and 13 complaints.

(2) If the Council refers a vulnerable consumer or a consumer complaint relating to a vulnerable consumer to a regulated provider, that regulated provider must take such additional steps as it considers necessary or appropriate with a view to, as appropriate, assisting that vulnerable consumer and resolving the relevant consumer complaint in an appropriate and prompt manner.

Referral of consumers from Consumer Direct

9.—(1) Each regulated provider must, after discussion with Consumer Direct, put in place appropriate arrangements to deal effectively with referrals to it from Consumer Direct of consumer complaints and, if appropriate, complainants.

(2) The arrangements required by paragraph (1) must set out a process by which Consumer Direct may make such referrals to the regulated provider.