

**Two sides to
every story**

**Making a complaint
to the Ombudsman**

**Otelo is an
Ombudsman
Service for public
communications
providers and their
customers.**

We are the Office of the Telecommunications Ombudsman (Oteló), the Ombudsman service set up to sort out disagreements between public communications providers and their customers.

Ofcom has approved our services.

Our service is independent.

This leaflet will tell you what we do and how to use our service.

We hope that this booklet will give you all the information that you are looking for, but please contact us if you need more details.

Our contact details are on page 33

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What is Otelo?

If you have a problem sorting out a complaint with a public communications provider (PCP), we may be able to help.

The service is free and independent. The Ombudsman is the person who decides what action should be taken when you and the company that provides your network or service (the PCP) can't agree.

Our job is to investigate complaints fairly. We listen to both sides of the story and look at the facts.

What do you mean by public communications provider (PCP)?

A PCP is any company that provides an electronic communications network or service to members of the public or small businesses. This may be, for example, a phone company or an internet service provider (ISP).

What kind of complaints do you deal with?

Complaints against member companies only

We deal with complaints made against public communications providers that have signed up to become 'member companies' of the service.

Many companies are now members. To find out if your company has joined the service, it is best to check our website at www.otelo.org.uk, or you can phone our Enquiry Team on 0845 050 1614 or 01925 430049.

Types of communications services

We deal with complaints about:

- the way in which your mobile and fixed phone, fax and internet services are provided to you;
- certain services like Short Messaging Services (SMS, also known as texting), voice mail and call-forwarding; and
- services and products for people with disabilities, such as text relay (an operator service that translates voice to text and text to voice) and free directory enquiries.

Who can complain?

You can use the service if you are a domestic customer or a small-business customer. A small business is one that spends less than £5000 a year with its provider. We can also look at complaints if the business spends more but has 10 people or fewer working for it. To make a complaint to us, you must be:

- a customer who has a contract with a member company – or this customer's representative;
- someone who has taken steps to become a customer – or this person's representative; or
- someone who uses the service or product being complained about, who has the customer's permission, in writing, to make the complaint.

You must have been in one of these categories when the problem you're complaining about began.

What we can and can't do

What we can do and can't do is set out in our terms of reference (our responsibilities). This leaflet sums up the main points. You're welcome to read our terms of reference – please just ask us for a copy or go straight to our website at www.otelo.org.uk

We'll decide whether your complaint fits in with these terms and whether we have the power to deal with it.

We're here to help

Please ring us if you would like to discuss whether your complaint is one that we can deal with.

Is there anything that cannot deal with?

Yes, there are some areas of complaint that we are not allowed to deal with. These are:

- products or services that are not bought or rented from member companies;
- the location of telegraph poles and mobile phone masts;
- cable and wiring inside your property;
- the content of internet sites;
- the content of calls, e-mails, SMS (texts) or any other type of message;
- complaints about premium-rate service providers
- problems that we think would be better dealt with by the courts, arbitration services or other complaints procedures;

- problems that are already being dealt with by courts or other complaints procedures;
- employment and staff issues in member companies;
- cases that we consider to be malicious or unjustified;
- commercial decisions made by member companies about whether to provide a product or service, and the terms under which they may be provided; and
- disagreements between providers of telecoms services about providing those services.

When is the right time to complain?

Before you complain to us, you must first have complained to your company. You must follow their complaints procedure, which is set out in their code of practice. This is to give your company a fair chance to sort the problem out. If you are still not happy with the way things have been handled, you can contact us.

There are some rules about when we can accept your complaint.

- You must have told your member company about the problem within 12 months of first knowing about it. So, for example, if you realised there was a problem with your phone bill on 30 September 2004, you need to have told your member company about it by 29 September 2005.
- The Communications Act, 2003, became law on 30 September 2003.

Whatever you want to complain about must have happened on or after this date or from the date that your company joined the service, whichever is the earlier.

If you have already complained to your company, there are two situations where you can involve us. These are as follows.

Not making satisfactory progress

You must follow your company's complaints procedure, which is set out in their code of practice and allow them up to three months to sort out the problem for you. If after three months of making your complaint you're still not happy with the way it's been handled, you can pass it to us. For example, the company might not have replied to your complaint or you may not be satisfied with the way they have sorted it out.

The deadline for bringing it to our attention is nine months from the date you first told the company about the problem.

Getting a deadlock letter from your company

You might get a letter from the company that says they will no longer be handling your complaint. They might say, for example, that they can't do anything for you and that this is their final position. We call this a 'deadlock letter'.

You then have six months from the date of the letter to pass your complaint to us.

How do I make a complaint?

If you have access to the internet you can use our on-line complaint form which is available at www.otelo.org.uk. This form will also help you to decide if your complaint is one that we can handle.

You can phone us on 0845 050 1614 or 01925 430049. Textphone users can call us on 18001 0845 051 1613 or 18001 01925 430886. You can also e-mail us at enquiries@otelo.org.uk.

Our full contact details are on page 19.

When you contact us, we'll ask you what's happened and we'll decide if we have the power to deal with your complaint. If we do, we'll take the details and send you a filled-in form for you to check, sign and return, with **copies** of all of the documents that you have to support your complaint. We will be unable to return any original documents that

you send to us. Once we have this information, the investigation process will begin.

See our website for an example of the type of information we need on the complaint form and in your supporting documents.

By signing the complaint form, you agree to your company sharing with us any information it has which will help us consider your complaint.

How do you handle complaints?

We are an independent organisation. It is our job to sort out complaints fairly and quickly.

We'll decide as soon as possible whether your complaint is within our terms of reference and whether we can deal with it. Then we'll let you know.

If we can accept your complaint, and you agree that we should do so, we'll ask the company that you are complaining about for information about what's happened so far.

How long it takes us to come up with a solution depends on how complicated the complaint is, and how quickly we can get to the facts. To help us with this, you should send us **copies** of all the information about your case when you return the signed complaint form. We will be unable to return any original documents that you send to us.

During the investigation process you will only hear from us if we need more information

When we have reached a decision, we will write to you with our initial findings and our reasons for making them. At this time, you can give us more information about your complaint but only if you feel that we have made a significant error in fact which would have a material effect on our decision, or you have important new evidence which will have a material effect on our decision. You should send this information to us in writing so the Ombudsman can consider it when making her final decision.

When we have finished this process, we will send you a copy of the Ombudsman's final decision.

Sorting it out informally

Sometimes, we'll try to find an informal solution that will bring the matter to a close.

For example, if, when we ask for your file, your company tells us that they could do more to settle your complaint without us needing to investigate, we may agree to give them the opportunity to do this. We then check if you are happy with the solution they offer.

Formal decision

If an informal approach doesn't work, we will look at all the information on your case and decide whether your complaint is one that we can help with. We will also consider whether your company must take any action to put things right for you and will make a formal, independent decision on the case.

Letting you know

Whatever the outcome, we'll write to you to let you know the decision.

How might things be put right?

If the Ombudsman decides to make an award, and you accept it, then your company has agreed that it will keep to the decision and take the action that the Ombudsman has asked for in her final decision. The Ombudsman may ask your company to provide any or all of the following:

- A product, a service or some practical action that will benefit you.
- An apology or explanation.
- A financial award.

So far, the average award is about £70 and the highest award has been £5000. The Ombudsman can, however, award as much as £5000 (including VAT) if she considers

that to be the right amount to settle a particular dispute.

So that the same problem is less likely to happen again, the Ombudsman may also recommend that your company makes changes to its policies or procedures.

Do I have to accept your decision?

No. It's up to you to decide whether you are satisfied with the Ombudsman's decision.

If you accept the decision within two months

Your company has agreed that it will keep to the decision and take the action that the Ombudsman has asked for.

If you don't accept the decision within two months

You lose the right to the solution that the Ombudsman has offered. However, you will be free to follow other routes to try to sort out the problem in a way that suits you better.

Is the service independent?

Yes. It is important for us to be independent of the communications industry and the regulator so that people trust us to be fair. We have a Council to make sure of this.

The Council's job is to:

- appoint the Ombudsman;
- keep the service independent;
- review our performance; and
- recommend any changes that might need to be made to the way we work.

The Communications Act 2003 sets out the powers of the regulator, Ofcom (Office of Communications). It also places a number of duties on public communications providers. One of these is the need to have a procedure which is easy to use and free of charge, for sorting out any complaints that may be made against them. The complaints procedure must also be independent of the regulator and the communications industry. Our service has been approved as a dispute procedure

which meets these conditions for our members.

We are also a full member of BIOA (British and Irish Ombudsman Association), which recognises us as independent.

How are you funded?

We are funded by our members. We have a board (the Member Board) made up of member companies and independent representatives. The Member Board makes sure that we are appropriately funded and approves our annual budget.

Who's who?

Ombudsman

The Ombudsman is Elizabeth France, CBE.

Council

The Council is chaired by Peter Holland, CBE, and has seven members. Two of the members are from the Member Board. If

you'd like to know who is on the Council, please visit our website or ring us.

Member Board

The Member Board has seven members, five of whom (including the Chairman) are elected by the member companies. The other two members are appointed from the Council. If you'd like to know who is on the Member Board, please visit our website or contact us.

How do I contact you?

Write to us at:

Otelo
PO Box 730
Warrington
WA4 6WU.

Phone: 0845 050 1614, or
01925 430049

Fax: 0845 050 1615, or
01925 430059

Textphone: 18001 0845 051 1513, or
18001 01925 430886

E-mail: enquiries@otelo.org.uk

Website: www.otelo.org.uk

Who else might be able to help me?

Citizens Advice

Your local Citizens Advice may be able to help you with your complaint. You can find out how to contact your local branch in England, Wales and Northern Ireland, by looking at the 'Adviceguide' website. Details for contacting your local branch will also be listed in the phone book.

Website: www.adviceguide.org.uk

Citizens Advice in Scotland

The 'Adviceguide' website will also help with your complaint if you live in Scotland. However, you may also want to visit the Citizens Advice Scotland site listed below.

Again, details of how to contact your local Citizens Advice are in the phone book.

Website: www.cas.org.uk

DIAL UK

DIAL UK is a network of advice centres for people with disabilities.

Dial UK
St Catherine's
Tickhill Road
Doncaster
South Yorkshire
DN4 8QN

Phone: 01302 310 123

Textphone: 01302 310 123

(please use voice announcer)

E-mail: enquiries@dial.org.uk

Website: www.dialuk.info

Age Concern England

Age Concern England has a network of local advice centres for older people.

Age Concern Information Line
Age Concern
Freepost (SWB 30375)
Ashburton
Devon
TQ13 7ZZ

Phone: 0800 009966

Website: www.ageconcern.co.uk

Telephone Preference Service (TPS)

The TPS will register your phone number to stop you receiving unwanted marketing calls.

DMA House
70 Margaret Street
London
W1W 8SS

Phone: 0845 070 0707
Fax: 0845 070 0706
E-mail: tps@dma.org.uk
Website: www.tpsonline.org.uk

Fax Preference Service (FPS)

The FPS will register your fax number to stop you receiving unwanted marketing faxes.

DMA House
70 Margaret Street
London
W1W 8SS

Phone: 0845 070 0702
Fax: 0845 070 0705
E-mail: fps@dma.org.uk
Website: www.fpsonline.org.uk

ICSTIS – Independent Committee for the Supervision of Standards of Telephone Information Services

ICSTIS deals with complaints about premium-rate services, including those offering directory enquiries. You can check premium-rate phone numbers which appear on your bill to see the name and address of the service dialled by entering the number in the look-up service of ICSTIS website

Fourth Floor
Clove Building
4 Maguire Street
London
SE1 2NQ

Phone: 0800 500 212
Fax: 020 7940 7456
E-mail: helpline@icstis.org.uk
Website: www.icstis.org.uk

Information Commissioner (IC)

IC will provide advice if you are concerned about how your personal information is being used.

Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Phone: 01625 545745

E-mail: mail@ico.gsi.gov.uk

Website:

www.informationcommissioner.gov.uk

British and Irish Ombudsman Association (BIOA)

BIOA's website lists the ombudsmen and other complaint-handling organisations who may be able to help you if you have a complaint.

24 Paget Gardens
Chislehurst
Kent
BR7 5RX

Phone: 020 8467 7455
E-mail: bioa@btinternet.com
Website: www.bioa.org.uk

Trading Standards

A provider of information on consumer protection in the UK. For advice on how to contact your local Trading Standards Service, you can use Trading Standards Central or your local phone book.

Website: www.tradingstandards.gov.uk

Consumer Direct

Consumer Direct is a telephone and on-line advice and information service for consumers in Great Britain. It gives clear practical consumer advice and is supported by the Department of Trade and Industry.

Phone: 08454 04 05 06
08454 04 05 05
(Welsh speaking advisor)

Minicom: 08451 28 13 84

Website: www.consumerdirect.gov.uk

Office of Communications (Ofcom)

Ofcom is the regulator for the UK's communications industries, with responsibilities across television, radio, telecommunications and wireless communications services. It may be able to help you if your company is not a member of Otelo, or if your complaint falls outside our terms of reference.

Ofcom Contact Centre
Riverside House
2a Southwark Bridge Road
London
SE1 9HA

Phone: 0845 456 3000
or 020 7981 3040
Fax: 0845 456 3333
Website: www.ofcom.org.uk

Member companies

We have over 100 member companies that include over 95% of the UK fixed-line telecom market, over 55% of the UK mobile phone market and about 33% of the UK Internet Service Provider (ISP) market.

We can only look at your problem if your company is one of our members, so it is very important that you check this first.

There is a full list of members on our website at www.otelo.org.uk. A member of our Enquiry Team will also be pleased to give you this information. Ring 0845 050 1614 or 01925 430049 between 9 am and 5 pm, Monday to Friday