



Two sides to every story
Making a complaint
to Otelo

The Office of the
Telecommunications Ombudsman
(Otelo) resolves complaints about
public communications providers
and consumers using their services



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

We are independent and the service is free to use.

Our service has been approved by the UK communications regulator, Ofcom, as a redress scheme in the communications sector.

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

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

Our contact details are on page 27.

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What is Otelo?

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

The service is free and independent.

An ombudsman is the person who decides what action should be taken when you and the public communications provider 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?

A public communications provider 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.





What kind of complaints do you deal with?

Member companies

We can only deal with complaints made against public communications providers that have signed up to become members of our 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 contact centre on **0330 440 1614** or **01925 430 049**.

Types of communication services

We deal with complaints about the way in which your mobile and fixed phone, fax and internet services are provided to you.

We also deal with certain services like SMS (texting), voice mail, 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 £5,000 per year with its provider or employs ten people or fewer.

To make a complaint to us, you must be in one of these categories when the problem you are complaining about began:

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





What we can and cannot do

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

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

We are 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 you cannot deal with?

Yes, there are some areas of complaints 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, advertisements, calls, emails, SMS (texts) or any other type of message;
- complaints about premium rate service providers, for example phone numbers starting 09 or calls to competitions;
- 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 the 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 public communications providers, which would be dealt with by the regulator.





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 2008, you need to have told your member company about it by 29 September 2009.

The parts of the Communications Act 2003 dealing with dispute resolution 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 Otelo; whichever is the earlier.



Two sides to every story

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

Eight weeks have passed

If after eight weeks of making your complaint with the company, you are still not happy with the way it has 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 your problem.

Reaching deadlock

You might get a letter from the company that says they will no longer be handling your complaint. The letter might say, for example, that they cannot 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?

You can contact us by phone, textphone, email, fax or letter. Our full contact details are on page 27.

When you contact us, we will ask you what has happened and we will decide if we have the power to deal with your complaint. If we do, we will take the details and send you a filled-in complaint form. Do not write any additional information on the form. You should sign and return the form with copies of all the documents that you have to support your complaint. **We will be unable to return any original documents that you send to us.**

By signing the complaint form, you agree to let the company share with us any information it has about you and the service it has provided to you that will help us consider your complaint.

Once we have this information, the investigation process will begin.

Debt during a dispute

Complainants should be aware that any request to put outstanding debt with the company on hold while Otelo investigate the complaint is made on a good office basis and therefore cannot be guaranteed. A hold on a debt may only be placed on disputed charges and the complainant would remain responsible for legitimate and ongoing charges.



How do you handle complaints?

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

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

It is important that you contact us if your circumstances change during the investigation process, for example if the company offers you a gesture of goodwill and you are happy to accept this as a resolution to your complaint, or if your contact details change.

Sorting it out informally

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

For example, if 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 does not work, we will investigate your case. When we have reached a decision, we will write to you and the company with our provisional conclusion and our reason for making it.

If you and the company accept this as a settlement of the dispute, it will become the final decision and the company must put in place any remedy that is called for.

If you feel that we have made a significant error in fact or you have important new evidence which would have a material effect on our decision, you should send this to us in writing so the ombudsman can consider it when making the final decision. The company may also send in further representations at this stage.

When we have finished this process, we will send you and the company a copy of the ombudsman's final decision. The final decision cannot be changed and there is no appeal procedure.



How might things be put right?

If we decide to make an award, and you accept it, then the company has agreed that it will keep to the decision and take the action that we have asked for in the final decision.

We may ask the 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.

It is not the ombudsman's role to punish companies when deciding what solution to provide. If a financial award is needed, this will be the amount that we consider necessary to settle a particular dispute. This can be as much as £5,000 (including VAT). The average award is about £110.

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





Do I have to accept your decision?

No. It is up to you to decide whether you are satisfied with the ombudsman's final decision.

If you accept the decision within two months, the company has agreed that it will keep to the decision and take the action that the ombudsman has asked for.

The company then has 28 days to implement the remedy. We will continue to contact the company until we are satisfied that the remedy set out in the final decision has been completed.

If you reject the decision or do not accept 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.



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 board makes sure that we are appropriately funded and approves our budget.





Is the service independent?

Yes. It is important for us to be independent of the communications sector and the industry regulator, Ofcom (Office of Communications), 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 ombudsmen;
- keep the service independent;
- review our performance; and
- recommend any changes we might need to make to the way we work.

The Communications Act 2003 places a number of duties on public communications providers. One of these is the need to have a procedure for sorting out any complaints that may be made against them. This should be easy to use and free of charge. The complaints procedure must also be independent of the regulator and the communications industry. Our service has been approved as a complaints procedure which meets these conditions for our members.

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



Who's who?

Chief Ombudsman, Lewis Shand Smith

Lewis Shand Smith is the Chief Ombudsman. Although Lewis makes the final decision in a considerable number of cases, he is supported in his work by a team of ombudsmen and is largely responsible for ensuring the quality and consistency of the final decisions that the team makes.

Council

The Council is mostly made up of independent people. There are also industry representatives from the Member Board. It is chaired by Peter Holland, CBE DL. If you would like to know who is on the Council, please visit our website or contact 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 by the Council.

If you would like to know who is on the Member Board, please visit our website or contact us.





Member companies

We currently have around 300 members from the UK fixed-line telecom and mobile phone markets as well as internet service providers.

We can only look at your problem if the company you are complaining about 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 representative at our contact centre will also be pleased to give you this information. See page 27 for our contact details.



Who else might be able to help me?

Age Concern England

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

Write to: **Freepost (SWB 30375)**
Ashburton
Devon
TQ13 7ZZ

Phone: **0800 009 966**

Website: **www.ageconcern.org.uk**

British and Irish Ombudsman Association (BIOA)

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

Write to: **PO Box 808**
Twickenham
TW1 9BE

Phone: **0208 894 9272**

Email: **secretary@bioa.org.uk**

Website: **www.bioa.org.uk**





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



Consumer Direct

Consumer Direct's regionally based advisors are specially trained to give practical advice on all kinds of consumer issues.

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

Minicom: **08451 28 13 84**

Website: **www.consumerdirect.gov.uk**

DIAL UK

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

Write to: **St Catherine's
Tickhill Road
Doncaster
South Yorkshire
DN4 8QN**

Phone: **01302 310 123**

Textphone: **01302 310 123**
(please use voice announcer)

Email: **informationenquiries@dialuk.org.uk**

Website: **www.dialuk.org.uk**





Fax Preference Service (FPS)

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

Write to: **DMA House**
70 Margaret Street
London
W1W 8SS

Phone: **0845 070 0702**

Fax: **0845 070 0705**

Email: **fps@dma.org.uk**

Website: **www.fpsonline.org.uk**

Information Commissioner's Office (ICO)

The Information Commissioner's Office is the UK's independent authority set up to promote access to official information and to protect personal information.

Write to: **Wycliffe House**
Water Lane
Wilmslow
Cheshire
SK9 5AF

Phone: **01625 545 745**

Email: **mail@ico.gsi.gov.uk**

Website: **www.ico.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.

Write to: **Ofcom Contact Centre**
Riverside House
2a Southwark Bridge Road
London
SE1 9HA

Phone: **0207 981 3000** or
0300 123 3000

Fax: **0207 981 3333**

Textphone: **0207 981 3043** or
0300 123 2024

Website: **www.ofcom.org.uk**





PhonepayPlus

PhonepayPlus is the organisation that regulates products or services – such as competitions, TV voting, helplines, adult entertainment, downloads, news alerts or interactive games – that are charged to users' phone bills or pre-payment accounts.

Write to: **Clove Building**
4 Maguire Street
London
SE1 2NQ

Phone: **0800 500 212**

Website: **www.phonepayplus.org.uk**



Telephone Preference Service (TPS)

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

Write to: **DMA House**
70 Margaret Street
London
W1W 8SS

Phone: **0845 070 0707**

Fax: **0845 070 0706**

Email: **tps@dma.org.uk**

Website: **www.tpsonline.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 the website. Details are also available in the phonebook.

Website: **www.tradingstandards.gov.uk**





Contact us

Write to:

Otelo
PO BOX 730
Warrington
WA4 6WU

Phone:

0330 440 1614 or 01925 430 049

Fax:

0330 440 1615 or 01925 430 059

Textphone:

0330 440 1600 or 01925 430 886

Email:

enquiries@otelo.org.uk

Website:

www.otelo.org.uk





We issue information in other languages and other formats. Visit our website: www.otelo.org.uk

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