



هيئة تنظيم الاتصالات
Telecommunications Regulatory Authority

A public consultation document issued by the
Telecommunications Regulatory Authority of the
Kingdom of Bahrain

**Code of Practice for the Handling of Consumer Complaints by
Telecommunications Licensees**

19 March 2015

LAD/0315/048

The address for responses to this document is:

The General Director

Telecommunications Regulatory Authority (“The Authority”)

PO Box 10353, Manama, Kingdom of Bahrain

Alternatively, e-mail responses may be sent to the

Authority’s email address at LAD@tra.org.bh

The deadline for responses is **4pm on 19 April 2015**

Purpose: To seek stakeholders’ views on the proposed minimum criteria to be included by telecommunications Licensees in their code of practice for handling consumer complaints.

Instructions for submitting a response

The Telecommunications Regulatory Authority (“the Authority”) invites comments on this consultation document from all interested parties. Comments should be submitted no later than **19 April 2015 4pm**.

Responses to this document should be sent to:

The General Director
LAD@tra.org.bh
Telecommunications Regulatory Authority
P.O. BOX 10353, Manama, Kingdom of Bahrain
Fax: +97317532125

Responses should include:

- the name of the company/institution/association etc;
- the name of the principal contact person;
- full contact details (physical address, telephone number, fax number and e-mail address)
- in the case of responses from individual consumers, name and contact details.

The Authority expects respondents to provide comments in response to each of the questions set out in this document. The Authority invites respondents to substantiate their responses, wherever possible, by providing factual evidence to support their responses.

In the interest of transparency, the Authority will make all submissions received available to the public, subject to the confidentiality of the information received. The Authority will evaluate requests for confidentiality in line with relevant legal provisions and the Authority’s published guidance on the treatment of confidential and non-confidential information.¹

Respondents are required to clearly mark any information included in their submission which considered confidential. Where such confidential information is included respondents are required to provide both a confidential and non-confidential version of their submission. If a submission is marked confidential in its entirety, reasons for this should be provided. The Authority may publish or refrain from publishing any document or submission at its sole discretion.

Once the Authority has received and considered responses to this consultative document, the Authority will issue final versions of the Standard Subscriber Agreement Guidelines.

¹ The Authority, “A Guidance Paper issued by the Telecommunications Regulatory Authority on its treatment of Confidential and Non-Confidential Information:”, Guidance Paper No.2 of 2007, 10 September 2007 http://www.tra.org.bh/en/pdf/Confidentiality_Guidelines_Final.pdf

Section 1 Introduction

1. This section is intended to provide a brief overview of the background to this consultation.
2. This Consultation is issued pursuant to the Authority's Consultation Process Regulation issued by the Authority on 10 August 2003.
3. Pursuant to Article 3(b)(1) of the Telecommunications Law of the Kingdom of Bahrain (hereinafter referred to as "the Law") the Authority must carry out its duties in the manner best calculated to, amongst other things, protect the interests of Subscribers and Users in respect of the provision of service, the quality of service and the protection of personal particulars and privacy of services.
4. Pursuant to Article 55 of the Law, Licensees must establish procedures for dealing with consumer complaints in relation to the operation of a telecommunications network or services. The Authority may direct Licensees to review or modify the procedures set in place.
5. Pursuant to the term titled 'Relations with Subscribers' in the following licenses:
 - Individual Mobile Telecommunications License
 - Individual International Telecommunications Services License
 - Internet Services Provider Class License
 - Individual Internet Exchange License
 - Individual National Fixed Services License
 - Value Added Services Class License
 - Individual Very Small Aperture Terminal License
 - Individual License for Paging ServicesLicensees must publish a code of practice giving subscribers guidance in respect of any disputes and complaints relating to the provision by the Licensees of the Licensed Services.
6. The Authority has a responsibility for overseeing and regulating consumer affairs in the telecommunications sector.
7. Following liberalization, the telecommunications sector has become a dynamic industry and is characterized by intensifying competition with a variety of products and services on offer, the participation of new Licensees and increasing choices to Subscribers.
8. The result is that Subscribers, both residential and business, now have much more freedom and choice than several years ago, and retail prices have decreased significantly due to competition between Licensees. Some improvements have been made in quality, but much more is required if Subscribers are to have the protection as well as services as outlined in the Law.

9. The Authority has introduced a range of measures to improve delivery of quality of services, some which include:
 - Quality of Service Regulation
 - Consumer Protection Guidelines
10. The Authority is concerned with Subscribers who may have a negative experience from being unable to effectively lodge or pursue a complaint with an Operator.
11. Fair and effective complaints-handling processes protect consumers and empower them in their relationship with Licensees.
12. Therefore, the Authority is proposing to improve the existing complaints handling process in the telecommunications industry through establishing some basic high level criteria for setting standards for complaints handling.
13. Such criteria would establish an effective and practical process for dealing with consumer complaints. By setting a minimum set of standards for complaints handling, Licensees will be able to enhance customer satisfaction by:
 - providing fast, transparent, and accessible procedures and mechanisms for handling consumer complaints;
 - acknowledging, promoting and protecting the rights of Subscribers;
 - ensuring that subscribers are well-informed with all the necessary information for lodging complaints; and
 - ensuring that Subscribers are aware of the complaint processes and procedures for the telecommunications products and services they provide them with.
14. Not only would improved procedures for resolving consumer complaints benefit Subscribers, but Licensees could also gain a competitive advantage from providing exceptional customer service.
15. Complaints are inevitable, especially if expectations change with the introduction of new products and services. However, they also act as a beneficial source of information for Licensees in their effort to promote high quality telecommunications services.
16. The Authority is therefore seeking the views of respondents in relation to the introduction of a TRA Approved Code of Practice for Complaints Handling (herein referred to as the “Approved Code”) which introduces minimum criteria to be included by Licensees in their code of practice for handling consumer complaints (herein referred to as the “Code of Practice”).
17. The Authority considers that such criteria should only represent a minimum level of service a Subscriber can expect from an Operator when lodging a complaint. The Authority believes that Licensees should seek to develop the standards for their complaint handling processes in excess of the minimum criteria set out in the Approved Code.

18. Accordingly, the information in this document is presented in the following manner:
- section 2 sets out the present situation with regard to the treatment of consumer complaints received by the Authority, including how a complaint may be made to the Authority;
 - section 3 outlines a set of proposed criteria that the Authority believes should be set out in the Code of Practice; and
 - section 4 contains the proposed Approved Code.
19. The Authority believes that it is important for all interested parties to see the views of others during a consultation. As such, the Authority will publish a summary of all the responses received on the Authority's website as part of the Consultation Report. In our Consultation Report, the Authority will give reasons for its decisions and will give an account of how the views of those concerned helped shape those decisions.
20. This consultation document is without prejudice to the legal position or the rights and duties of the Authority to regulate the provision of telecommunications services. Any views expressed in this document are not binding on the Authority and are without prejudice to the final form and content of any decisions the Authority may make.
21. This consultation document including the proposed Approved Code is not a substitute for any regulation or law and does not constitute legal advice. Inappropriate reliance ought not therefore be placed on the contents of this document.
22. The Approved Code will be kept under review and amended as appropriate in the light of further experience and developing law and practice and any change to the Authority's powers and responsibilities.
23. Capitalized terms used throughout this document shall have the same meaning attributed to them by the Approved Code and by the Law.

Section 2 Background

Type of Complaints Received

The Authority receives a significant number of complaints concerning the level of service provided by telecommunications Licensees. The number of complaints received by the Authority has increased from approximately 397 complaints in 2013 to 433 complaints in 2014. This rise in complaints received by the Authority may be indicative of an increased awareness of the Authority's role in dealing with unresolved complaints. The main area of complaints received were billing related. Complainants claimed that they were overcharged for calls that were not made, or for products and services that were not received or requested. Other categories of complaint include number portability, contract term duration, prices and tariffs, quality of service, and roaming.

The Authority's Recommendation for the Treatment of Consumer Complaints

The Authority proposes that Licensees should have to comply with a standardized, single TRA Approved Code of Practice for Complaints Handling, instead of having individual Codes of Practice which the Authority would have to approve.. This Approved Code would set out high level minimum standards which Licensee's Codes of Practice have to comply with.

Section 3 Standardized Code of Practice

3.1 Scope of the Code of Practice

1. The Authority has defined 'Complaint' as "an expression of dissatisfaction made by a Subscriber to a Licensee related to the Licensee's provision of telecommunications services to the Subscriber, or to the complaint-handling process itself, where a response or resolution is explicitly or implicitly expected."
2. The Authority's intention in defining a Complaint is to ensure that there is clarity as to the scope of the matters that the Approved Code will apply to. The Authority is aware that Licensees currently use different definitions in their internal procedures and systems. The Authority therefore believes that this definition captures all expressions of dissatisfaction that are made to Licensees by Subscribers.
3. The Authority believes that the Code of Practice should set out minimum requirements for complaint handling by Licensees in relation to all telecommunications services supplied by them in accordance with the status afforded to them through their telecommunications license(s).
4. The Authority also believes that the Code of Practice would apply as follows:
 - a. it would apply to all licensees irrespective of the size of the organization receiving the complaint, although procedures put in place support the Code of Practice, could vary according to the size and nature of the Licensee.
 - b. The Code of Practice would not affect a Licensee's obligations or a Subscriber's rights in respect of any present or future consumer protection regulations and legislation.
 - c. The Code of Practice would exclude complaints subject to legal action.

Q1: Do you agree with the statements above regarding the application of the Code of Practice? If not please support your answer as appropriate.

Q2: Do you agree with the proposed definition for a Complaint? If not, please support your answer.

3.2 Principles to be covered in the Code of Practice

5. The Authority believes that the principles set out in the Code of Practice would effectively form the basis of a service level agreement between Licensees and Subscribers in respect of handling complaints. The Code of Practice would apply to the treatment of verbal and written complaints with a complaint being any expression of dissatisfaction or grievance made to a Licensee by a Subscriber or User with any telecommunications service of that Licensee.

The following elements are considered to be appropriate by the Authority.

3.2.1 Accessible Procedures

6. The Authority considers that the Code of Practice detailing the complaint handling process of a Licensee must:
 - Be published to Subscribers and staff members
 - Include all information to Subscribers about their rights to complain
 - Supply all the relevant and necessary contact information for lodging a complaint
7. The Authority considers that the Code of Practice should be readily accessible to all Subscribers, including those with disabilities, and therefore should receive as wide a circulation as possible amongst the public. This requirement is intended to ensure that Licensees do not intentionally or unintentionally create process obstacles to prevent Subscribers from getting in touch with their service providers to lodge complaints or check on the progress of an ongoing complaint. For disabled Subscribers, Licensees are required to have processes in place for recognizing and treating appropriately Subscribers who may require additional assistance.
8. The Authority's intention in setting accessibility obligations on Licensees is to ensure that those Subscribers wishing to lodge a complaint are able to do so in a straightforward manner at minimal cost. The Code of Practice should be made available to Subscribers upon request, referenced in standard terms and conditions of agreements, as well as on the Licensee's website. This is to ensure that Subscribers can easily and logically locate a copy of the Code of Practice. The terms and conditions should signpost Subscribers to how they can access a copy of the Code of Practice (potentially referring to a website link or providing a contact number) and should note that a copy is available on request if Subscribers want to request a hard copy to be sent out to them.
9. The Authority also considers that Subscribers must be given proper notice by Licensees of any amendments to the Code.

Q3: Do you agree with the procedural requirements for making the Code of Practice accessible to Subscribers? Please support your answer as appropriate.

3.2.2 Lodging Complaints

10. It is vital that the process for lodging a complaint to a Licensee is flexible, easy to follow and of minimal cost to the complainant. Subscribers should know how to contact Licensees and be provided with various media outlets through which they can easily lodge their complaint. Telephone is usually the normal manner in which Subscribers lodge their complaints. Licensees should take all appropriate measures to effectively respond to such calls. If complaints are lodged by email, letter or fax, Licensees should acknowledge the complaint within a reasonable timeframe. The Authority includes a

provision in the Approved Code whereby Licensees have to acknowledge written complaints within two (2) working days of receipt of the complaint. All complaints must be acknowledged in the same means by which the complainant originally lodged the complaint in as well as by text message.

11. In principle, Licensees should provide information to Subscribers on how, when and where to lodge a complaint. The following principles would be applied to the Code of Practice:

- Details of how complaints may be lodged should be detailed in the Code of Practice. This should include by telephone, postal address for complaints made in writing, contact names (if relevant), e-mail address, fax number, and offices or locations where complaints can be lodged in person.
- Complaint procedures and contact points should be set out by Licensees in clear terms and conditions in all contracts, bills and directories.
- A freephone telephone number or other alternatives for a low cost access such as e-mail, mailing address or Internet webpage form should be made available in an effort to minimize the costs for Subscribers lodging complaints. For the avoidance of doubt, the freephone number shall apply to local off-net calls.

Q4: Do you agree that these principles should be applied in relation to the submission of complaints? If not, please state why and propose other measures, if any, you think should be implemented for complaint-lodging procedures.

3.2.3 Stages to the Complaint-Handling Process

12. The Authority considers that the following would represent a minimum number of stages to the complaint-handling process in the context of a complaint:

- initial contact by Subscriber
- acknowledgement of the complaint
- investigation of the complaint
- notification of resolution
- internal escalation
- external escalation to the Authority

13. Depending on the nature of the complaint, some of the stages may well be bypassed. The Authority believes that Licensees should be required to inform complainants at initial contact of the process for handling complaints. This should include, that when a complainant lodges a complaint by phone or within two (2) working days by other means, the stages and procedures involved in the investigation of the complaint and a timeframe for the possible final outcome of the complaint. Specifically, complainants should be informed of the timeframes for resolving the complaint, the process and timeframe for internal and external (to the Authority) escalations. Internal escalation procedures should not exceed two (2) working days. This would ensure that the procedure is effective, clear and transparent for Subscribers to use.

14. The issue of timeframes under each stage of the complaint-handling process is discussed further below in section 3.2.4.

Q5: Do you agree with the classification of the stages of the complaint-handling process for complaints? If not, please state reasons and suggestions.

3.2.4 Categorization and Timely Treatment of Complaints

15. The Authority acknowledges that certain categories of complaints will take longer to resolve than others, but in order to protect Subscriber's' interests against unnecessary delays in processing complaints, detailed information on the target times for the resolution of each category of complaints should be determined as set out in the Approved Code.

16. The Authority proposes the following categories for complaints:

For mobile services:

- (a) billing
- (b) standard subscriber agreements
- (c) number portability
- (d) prices and tariffs
- (e) quality of service
- (f) fraud or theft (includes lost devices or SIM cards)
- (g) roaming
- (h) other

For all other services:

- (a) billing
- (b) standard subscriber agreements
- (c) number portability
- (d) prices and tariffs
- (e) quality of service
- (f) fraud or theft (includes lost device)
- (g) installation
- (h) other

Q6: Are there any other categories of complaints that you believe should be included?

17. The wording of Article 56(a) of the Telecommunications Law provides:

“Any dispute between a Subscriber and a Licensed Operator may be referred to the Authority by either party after the exhaustion of the procedures referred to in Article 55 of this Law without resolution within sixty days after the date of submitting the complaint to the Licensee.”

18. The Authority acknowledges that the wording of Article 56 is rather ambiguous and has given rise to questions about its interpretation. The Authority therefore considers it appropriate to address this concern and provide guidance on how the specific Article ought to be interpreted.
19. It is clear that Article 56(a) requires that any complaint that has not been resolved to the satisfaction of the complainant must be referred to the Authority within sixty (60) days from the date of submission of the complaint. This time-limit however, is premised on the requirement of the Licensee to strictly adhere to the Target Response Times set out below. Corollary, if the Licensee fails to adhere to the Target Response Times, then the complainant may refer that complaint to the Authority for its consideration within that sixty (60) day period.
20. Additionally, if the Licensee does not resolve the dispute to the satisfaction of the Complainant, the complaint may be escalated to the Authority within sixty (60) days from the date of submission of the complaint.

Q7: Do you find that this interpretation satisfies the requirements of Article 56(a) of the Telecommunications Law?

21. Based on the categories set out above, the Authority considers that the following timeframes are appropriate for fixed and mobile services respectively:

For mobile services:

Category of Complaint	Target Response Time
Billing	Within 5 working days – with no disconnection while an ongoing dispute is unresolved, provided that complainants have paid the undisputed portion of an account
Standard subscriber agreements	Five (5) working days
Number portability	Two (2) working days
Prices and tariffs	Five (5) working days
Quality of service (QoS)	Ten (10) working days
Roaming	Twenty (20) working days
Fraud or theft (includes lost device or SIM card)	Shortest time possible, not to exceed one (1) working day
Other	Ten (10) working days

For all other services:

Category of Complaint	Target Response Time
Billing	Within 5 working days – with no disconnection while an ongoing dispute is unresolved, provided that complainants have paid the undisputed portion of an account

Standard subscriber agreements	Five (5) working days
Number portability	Two (2) working days
Prices and tariffs	Five (5) working days
Quality of service (QoS)	Ten (10) working days
Fraud or theft (includes lost device)	Shortest time possible, not to exceed one (1) working day
Installation	Ten (10) working days
Other	Ten (10) working days

22. In certain circumstances, it will not be possible for a complaint to be handled within the given timeframes due to the complexity or circumstances of a complaint. Regular updates must be given to complainants in these circumstances. Complainants must be kept informed of the progress of their complaints and the likely timeframe for resolution and determination.

Q8: Do you agree that the timeframes for the resolution of complaints should be included in the Code of Practice? If so, do you agree with the timeframes specified?

Q9: If under Q8 you answered that additional categories of complaints ought to be specified, please set a timeframe(s) by which that category should be resolved.

3.2.5 Disconnection

It is in the Authority's view that Licensees should not disconnect any complainant while a *bona fide* dispute regarding a billing issue is unresolved, provided that the complainant has paid the undisputed portion of an account. This has been set out above in the tables in 3.2.4 under the 'Billing' category. As mentioned earlier in this document, most complaints submitted to the Authority are regarding billing. Billing complaints often arise where Subscribers dispute charges for calls which they claim they did not make, or that they were overcharged for calls made. In light of this, the Authority considers that each Licensee should have a clearly articulated policy on disconnections in their Code of Practice which follows the following principles

- (i) the bill that is issued to a Subscriber must clearly state the due date for payment;
- (ii)
- (iii) a reminder should be sent out to the Subscriber two (2) days before the due date of payment passes clearly stating the date by which payment should be made.
- (iv) for voice services, should the account remain in arrears, a follow-up call or letter should be sent to the Subscriber after a further period has lapsed advising the Subscriber that if payment is not received within a stated timeframe they would face disconnection;
- (v) if the appropriate payment is not made the account would be disconnected; and
- (vi) the procedure for reconnection of service following disconnection.

Q10: Do you agree with the principles set out for establishing a policy on disconnections as part of the Code of Practice?

3.2.6 Escalation and Contact Details

23. The Authority believes that, where appropriate, the process for handling consumer complaints must include procedures for escalating a complaint internally (which does not exceed two (2) working days) as well as externally to the Authority. Licensees should clearly state the method for escalating complaints internally and externally, especially regarding the sixty (60) day timeframe explained above in their Codes of Practice. Licensees must send out written notification to a complainant about their right to escalate their complaint externally to the Authority.
24. Information about the Authority that a complainant can contact for the resolution of a conflict with a Licensee should be included in the Code of Practice. The Code of Practice should clearly make Subscribers aware of their right to escalate complaints to the Authority.

Q11: Do you agree with the Authority's view that an internal and external escalation procedure should be set out in the Code of Practice? Please support your answer.

3.2.7 Traceability and Retaining Records of Complaints

25. Licensees should ensure that they have systems in place for recording complaints. They should also ensure that the systems are sufficiently robust to retain necessary information to Subscribers when they enquire about the progress of their complaint. The Authority also considers that Subscribers should be provided with a reference number/unique identifier in order to facilitate timely and efficient responses.
26. The Authority considers that all information should be collected and recorded throughout the entire complaint-handling process for a minimum period of one (1) year following the resolution of the complaint.

Q12: Do you agree with the provisions set out above for the retention of records of complaints and the minimum period for recording them?

Next Steps

The Consultation will run from 19 March 2015 to 19 April 2015. Once comments are received in response to this Consultation and in accordance with the Authority's Consultation Process Regulation, the Authority may then issue a Determination Paper of the Approved Code specifying a minimum set of criteria to be included in Licensees' Codes of Practice for handling consumer complaints. Licensees would then be required to modify their existing codes within a given time frame to include the criteria specified in the Determination Paper. The Authority considers that any modifications deemed necessary following consultation should be implemented no later than three (3) calendar months from the date of the Determination Paper.

Q13: What do you consider would be a reasonable timeframe within which any modifications or amendments to Licensees' Codes of Practice for Handling Consumer Complaints arising from this consultation should be made?

Section 4

Approved Code

TRA Approved Code of Practice for Complaints Handling

This TRA Approved Code of Practice for Complaints Handling (the 'Approved Code') sets out the minimum standards for complaints-handling procedures that the Bahrain Telecommunications Regulatory Authority (the 'Authority') has set for Licensees. A 'complaint' is defined as 'an expression of dissatisfaction made by a Subscriber to a Licensee related to the Licensee's provision of telecommunications services to that Subscriber, or to the complaint-handling process itself, where a response or resolution is explicitly or implicitly expected.' The Approved Code shall apply to all telecommunications services. All Licensees shall modify their code of practice for handling consumer complaints (the 'Code of Practice') to include, at a minimum, the standardized set of criteria as specified in this Approved Code.

A Licensee's Code of Practice shall include the following standards as a minimum requirement:

Accessibility to the Code

1. The Code of Practice must:
 - (i) be well publicized and readily available for Subscribers and staff members;
 - (ii) be available within two clicks of a Licensee's homepage;
 - (iii) include information to Subscribers about their rights to complain;
 - (iv) supply all the necessary contact details for making a complaint; and
 - (v) be available in both English and Arabic.
2. The Code of Practice must be easily accessible for existing and new Subscribers on the Licensee's website, with either:
 - (i) a weblink to the Code of Practice being clearly visible on the Licensee's homepage; or
 - (ii) a weblink to the Code of Practice being clearly visible on a 'how to complain' or 'contact us' page, which is directly accessible from a primary webpage.
3. Licensees shall provide new Subscribers with a copy of their Code of Practice upon them signing a contract for any product or service.
4. Every bill (whether in paper form or otherwise) provided to Subscribers must make reference to the existence of the Code of Practice.
5. Licensees shall notify existing Subscribers of any significant changes which the Licensee may make in the future to their codes of practice.
6. Licensees shall ensure that the relevant terms and conditions for their products and/or services refer to the existence of the Code of Practice and should signpost Subscribers to how they can access a copy.
7. The Code of Practice shall be provided free of charge to Subscribers upon reasonable request in hard copy.
8. Complaints handling procedures must be sufficiently accessible to enable Subscribers with disabilities to lodge and progress a complaint.

Lodging Complaints

1. The Code of Practice shall specify the means by which complaints can be lodged, specifically by:

Telephone	how Subscribers can make contact by telephone stating working hours when the service will be attended;
Letter	postal address for complaints made in writing;
E-mail	address listed for Licensee's email;
Fax	number where appropriate; and
Hours	opening hours for retail outlets.
2. All complaints must be acknowledged within two (2) working days in the same means by which the complainant originally lodged the Complaint as well as by text message. All Licensees must provide a free-phone number for the lodging of complaints by telephone. For the avoidance of doubt, this free-phone number shall apply to local off-net calls.
3. The means by which a Licensee acknowledges complaints should not unduly deter Subscribers from making a complaint.

Stages of the Complaint Handling Process

1. The following minimum number of prescribed stages in the complaint-handling process must be included in the Code of Practice:
 - a. Initial contact by complainant
 - b. Acknowledgement of the complaint within two (2) working days
 - c. Investigation of the complaint
 - d. Notification of resolution
 - e. Internal escalation within two (2) working days
 - f. External escalation
2. Licensees shall provide reasonable and clear timeframes for each stage in their Code of Practice. Licensees must also specify the procedures they shall follow in each particular stage of the complaint handling process.
3. Licensees shall inform complainants at initial contact of the process for handling a complaint. This includes, at a minimum, the steps the Licensee will take with a view to investigating and resolving the complaint, timeframes for resolving the complaint, and the process and timeframe for external escalation of the complaint to the Authority.
4. Licensees shall include an internal escalation procedure in their Code of Practice, the operation of which shall not exceed a maximum of two (2) working days.
5. Licensees must ensure that front line staff are fully informed of the complaint-handling stages.

Categorization of Complaints

In order to facilitate prompt processing of complaints, Licensees shall, at a minimum, categorize residential and business complaints into the following categories:

For mobile services:

- (a) billing
- (b) standard subscriber agreements
- (c) number portability
- (d) prices and tariffs
- (e) quality of service
- (f) fraud or theft (includes lost device or SIM card)
- (g) roaming
- (h) other

For all other services:

- (a) billing
- (b) standard subscriber agreements
- (c) number portability
- (d) prices and tariffs
- (e) quality of service
- (f) fraud or theft (includes lost device)
- (g) installation
- (h) other

Timely Treatment of Complaints

1. Licensees shall adhere to the maximum timeframes (the 'Target Response Times') stated throughout this Approved Code when handling complaints.
2. Article 56(a) of the Telecommunications Law provides:

“Any dispute between a Subscriber and a Licensed Operator may be referred to the Authority by either party after the exhaustion of the procedures referred to in Article 55 of this Law without resolution within sixty days after the date of submitting the complaint to the Licensee.”

3. The Authority acknowledges that the wording of Article 56 is rather ambiguous and has given rise to questions about its interpretation. The Authority therefore considers it appropriate to address this concern and provide guidance on how the specific Article should be interpreted.
4. It is clear that Article 56(a) requires that any complaint that has not been resolved to the satisfaction of the complainant must be referred to the Authority within sixty (60) days from the date of submission of the complaint. This time-limit however, is premised on the requirement of the Licensee to strictly adhere to the Target Response Times set out below. Corollary, if the Licensee fails to adhere to the Target Response Times, then the complainant may refer that complaint to the Authority for its consideration within that sixty (60) day period.

5. Additionally, if the Licensee does not resolve the dispute to the satisfaction of the Complainant, the complaint may be escalated to the Authority within sixty (60) days from the date of submission of the complaint
6. When acknowledging receipt of a complaint, Licensees shall state the timescales within which specific categories of complaint will be addressed and normally resolved. The following timescales are the maximum Target Response Times in the stage of notification of resolution:

For mobile services:

Category of Complaint	Target Response Time
Billing	Within five (5) working days – with no disconnection while an ongoing dispute is unresolved, provided that complainants have paid the undisputed portion of an account
Standard Subscriber Agreements	Five (5) working days
Number Portability	Two (2) working days
Prices and Tariffs	Five (5) working days
Quality of Service (QoS)	Ten (10) working days
Fraud or Theft (includes lost device or SIM card)	Shortest time possible, not to exceed one (1) working day
Roaming	Twenty (20) working days
Other	Ten (10) working days

For all other services:

Category of Complaint	Target Response Time
Billing	Within five (5) working days – with no disconnection while an ongoing dispute is unresolved, provided that complainants have paid the undisputed portion of an account
Standard Subscriber Agreements	Five (5) working days
Number Portability	Two (2) working days
Prices and Tariffs	Five (5) working days
Quality of Service (QoS)	Ten (10) working days
Fraud or Theft (includes lost device)	Shortest time possible, not to exceed one (1) working day
Installation	Ten (10) working days
Other	Ten (10) working days

7. The timescales set out above are considered maximum timescales. The Authority recognizes that it may not always be possible to resolve all complaints within the stated timeframes. However, in exceptional cases where the above timeframes cannot be met, it is necessary that Licensees keep complainants informed and advise an extended timeframe within which they can expect to have to complaint resolved.
8. Licensees must ensure the fair and timely resolution of complaints.

Disconnection

Licensees shall set out in their Code of Practice their policy in relation to disconnection which follows the following principles:

- (i) the bill that is issued to a Subscriber must clearly state the due date for payment;
- (ii) a reminder should be sent out to the Subscriber two (2) days before the due date of payment passes clearly stating the date by which payment should be made.
- (iii) for voice services, should the account remain in arrears, a follow-up call or letter should be sent to the Subscriber after a further period has lapsed advising the Subscriber that if payment is not received within a stated timeframe they would face disconnection;
- (iv) if the appropriate payment is not made the account would be disconnected; and
- (v) the procedure for reconnection of service following disconnection.

Escalation and Contact Details

1. Licensees shall include a clear and reasonable internal escalation procedure in their Code of Practice, with a Target Response Time which shall not exceed two (2) working days.
2. Licensees shall communicate the indicative timeframes to consumers when their complaint has to be escalated internally and externally. Licensees shall keep consumers informed at regular intervals of the progress of the complaint to investigate and resolve the complaint.
3. Licensees shall include a clear external escalation procedure, with external being the procedure for escalating complaints to the Authority.

Traceability and Retaining of Records of Complaints

1. All Licensees shall ensure that all complaints can be easily tracked to ensure traceability of all actions taken regarding a complaint should a complainant need to enquire as to the progress of their complaint.
2. Licensees shall assign a unique identifier to each complaint in order to ensure its traceability. Complainants shall be advised of their unique identifier.
3. Licensees shall retain accurate, complete and updated records relating to complaints for at least one (1) year following the resolution of a complaint. This minimum requirement does not absolve the Licensee from fulfilling any other requirements in law.

Modification of Licensees' Code of Practice

1. All Licensees are obliged to ensure that their Code of Practice reflect the requirements of the Approved Code set out herein no later than three (3) calendar months after the issuance of this Approved Code.
2. Any changes made in a Licensee's Code of Practice which fall beyond the scope of this Approved Code shall be submitted to the Authority for its approval.