



هيئة تنظيم الاتصالات
Telecommunications Regulatory Authority

The Code of Practice for the Handling of Consumer Complaints

Determination Paper

1 June 2015
Ref: LAD/0515/073

Purpose: A TRA Approved Code of Practice which introduces minimum criteria to be included by Licensee in their codes of practice for the handling of complaints.

DETERMINATION

1. Pursuant to Article 3(b)(1) of the Telecommunications Law of the Kingdom of Bahrain (the "Law") the Telecommunications Regulatory Authority (the "Authority") 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.
2. 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.
3. Pursuant to the clause titled 'Relations with Subscribers' in the following licenses (the "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 Services

Licensees 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.

4. The Authority has a responsibility for overseeing and regulating consumer affairs in the telecommunications sector.
5. 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.
6. 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.
7. Having regard to the Law, Licenses the reasons set out in this Determination and taking into account all submissions received from interested parties, the Authority hereby makes the following decision:

8. All Licensees shall modify their current codes of practice for handling consumer complaints to include, at a minimum, the standardized set of criteria as specified in the TRA Approved Code of Practice for Complaints Handling (the "Approved Code"), which has been annexed to this Determination Paper.
9. The Approved Code shall apply to all telecommunications services.
10. Licensees shall ensure that their codes of practice reflect the minimum requirements set out in the Approved Code no later than three (3) calendar months from the date of publication of this Determination Paper and Approved Code.
11. Licensees are to provide the Authority with a copy of their amended codes of practice no later than three (3) calendar months from the date of publication of this Determination Paper and Approved Code.
12. Licensees are to inform their Subscribers as to the existence of their codes of practice within two (2) weeks of notification from the Authority that the code of practice meets the requirements set out in the Approved Code.



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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 complaint-handling procedures that the Bahrain Telecommunications Regulatory Authority (the 'Authority') has set for Licensees. A 'complaint' is defined as 'any oral or written expression of dissatisfaction, whether justified or not, from, or on behalf of, a person about the provision of, or failure to provide, a telecommunications service(s) or to the complaint-handling process itself, and requires action or redress for its resolution.' 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 if a valid contact mobile number is provided.
3. Where a complaint is submitted by post, acknowledgement shall be deemed to have taken place when the letter is sent to the complainant within the afore-mentioned two (2) day-period.
4. 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.
5. 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 outcome
 - 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
- (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
- (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. Either party may escalate a complaint to the Authority prior to the expiration of the sixty (60) day period if a Licensee's complaint-handling procedures have been exhausted and no resolution to the dispute has been reached. A party may also escalate a complaint to the Authority after the sixty (60) day period has lapsed given that both parties have failed to reach a resolution to the dispute for whatever reason(s).

5. 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 Resolution Times in the stage of notification of resolution:

For mobile services:

Category of Complaint	Target Resolution 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	Ten (10) working days
Number Portability	Two (2) working days
Prices and Tariffs	Ten (10) working days
Quality of Service (QoS)	Ten (10) working days
Fraud or Theft	Shortest time possible, provided that where the complainant requests disconnection of the service to stop any abuse then that request shall be addressed immediately and must 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	Ten (10) working days
Number Portability	Two (2) working days
Prices and Tariffs	Ten (10) working days

Quality of Service (QoS)	Ten (10) working days
Fraud or Theft	Shortest time possible, provided that where the complainant requests disconnection of the service to stop any abuse then that request shall be addressed immediately and must not exceed one (1) working day
Installation	Ten (10) working days
Other	Ten (10) working days

6. 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.
7. 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) after a sufficient amount of time has passed, depending on the method of payment (monthly, bi-monthly, etc), after the due date has passed, a reminder should be sent out to the Subscriber clearly stating the date by which payment should be made;
- (iii) should the account remain in arrears, a follow-up call, SMS 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 publication of the Determination Paper.
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.