

Making a complaint

Introduction

We always do our best to meet the needs of people who contact us. But sometimes things can go wrong – or we can fall short of our own high standards. If this happens, and you want to make a complaint regarding the contact you have had with, or the service you have received from, the Phone-paid Services Authority, then this policy sets out the process for you to use and follow.

Making a complaint will not in any way affect your entitlement to service from the Phone-paid Services Authority. For example, making a complaint about the quality of the Phone-paid Services Authority response will not affect your chances of getting a refund in respect of an initial complaint about a phone-paid service.

Who can make a complaint?

Any individual or organisation that has contact with the Phone-paid Services Authority – including as a consumer, a member of the public, or an organisation involved in supply of phone-paid services – can make a complaint. However, staff or former staff of the Phone-paid Services Authority may not use the complaints scheme to complain about matters related to their employment.

When can complaints be made?

Complaints should be made as soon as possible after the incident giving rise to the complaint. We will not set hard and fast rules, but we do expect a complaint to be current. All telephone calls made by consumers relating to a complaint about the Phone-paid Services Authority are recorded and potential consumer complainants may ask for a digital recording of the call within three weeks of the call being made; if complaints relating to calls are made subsequently, it may be much harder to reach any conclusion. Complaints will not generally be considered if they are made more than four months after the events concerned, unless there was a good reason why they could not be made sooner.

How can you expect your complaint to be handled?

In responding to your complaint, we will follow the procedures set out in this policy, and will ensure that:

- you understand how to progress your complaint, and the steps we will take to respond;
- you are kept informed about the progress of your complaint;
- we tell you the outcome of your complaint promptly;
- your complaint and the information you provide to us is treated in confidence;
- we tell you promptly what steps we intend to take to take to remedy any complaint upheld.

What can you complain about?

You can complain about our conduct if you think, for example, that you have suffered because we have:

- failed to give you access to non-confidential information that is available to us, or have given you information or advice that was incorrect;
- failed to act in accordance with the principles of good regulation;
- not treated you politely or courteously;
- not followed our own published procedures;
- acted in a discriminatory fashion or have not treated you fairly;
- failed to act in a timely fashion, having regard to the circumstances;

- failed to acknowledge, or apologise for, our own mistakes.

The list above is not exhaustive. You may complain about other aspects of our conduct, as well. In particular, if you have made a complaint about a phone-paid service, you can complain about our handling of your PRS complaint on the grounds that:

- we did not follow our published criteria for investigating or processing your PRS complaint;
- we have misunderstood a significant part of your PRS complaint;
- we did not take notice of relevant substantiated evidence and information; or
- we have delayed, made mistakes in or failed to follow the procedures in our Code of Practice.

What can you not complain about?

You cannot use this procedure to complain simply because you disagree with a decision made in a proper way by the Phone-paid Services Authority about a PRS complaint or other matter.

You may be disappointed, but you will not be able to use this procedure to complain if a PRS complaint you made did not become the subject of a formal investigation because it did not meet our published criteria for that.

You will also not be able to use this procedure to complain if the adjudication of a PRS complaint did not meet your expectations, or impose sanctions that you thought would have been more appropriate.

If you are a company involved in PRS services, or an employee of such a company, you cannot use this procedure to complain about any matter (such as the outcome of a PRS investigation) for which separate complaint/review/appeal processes already exist in the Phone-paid Services Authority Code of Practice.

You cannot use this procedure to complain about our published policies or any government policy, or the Phone-paid Services Authority's application of policy as directed by Ofcom. If you have any comments about our policies, you should send these to our Chief Executive, who will refer them on to another body, as appropriate.

How do you make a complaint?

You may write to us by email, or by letter. If you prefer, you may contact our Head of Contact Management by telephone. A complaint can be recorded and logged in this way. To present your complaint in the best way, you should set out the facts as clearly as possible. Remember to include important details and dates, where possible.

Our contact details are given in the 'Getting in touch' section at the end of this document.

If you need any help, you can contact your local Citizens' Advice Bureau (their contact details are in The Phone Book or at www.citizensadvice.org.uk).

When you make a complaint, we will treat you with respect and courtesy, and we expect you to treat our staff in the same way. We do not tolerate any abuse against our staff, who are here to help you. If you act in an abusive manner, we may restrict your contact with us.

How will the complaint be processed?

The complaint will be logged on our systems and we will inform you about how it will be processed. It is the responsibility of the Head of Contact Management to monitor the progress of the complaint, and to answer any enquiries you may have until the complaint is resolved.

There are two internal stages to the process. If you have already had an informal discussion with a manager prior to lodging a formal complaint, at our discretion we will process it immediately at Stage Two.

- Stage One
The first step is to get in touch with our Head of Contact Management, who will attempt to settle your complaint in a timely and satisfactory manner. In your correspondence, clearly indicate that you are making a formal complaint, including any important details. Be sure to provide information on how best to respond to you, which may be via telephone, email, or post. Details on how to contact the Head of Contact Management are in the 'Getting in Touch' section below.
- Stage Two
If you are not satisfied with the response you receive at Stage One, you can take this further by writing to our Chief Executive.

Please ensure that in your Stage Two letter you tell us:

- what happened;
- when it happened;
- who dealt with you;
- why you think what happened was wrong; and
- what you would like us to do to put things right.

Also, tell us if there is anything we need to know about how to contact you (for example, if you would like us to reply by letter, email or fax).

If you wish to move a complaint on to Stage Two, you must write within four weeks of receiving our Stage One response.

When will you hear from us?

Provided we have adequate contact details, within one week of receiving your complaint we will contact you to say that we have received it. We will also tell you how you can contact the person who is dealing with your complaint and when you can expect a reply.

We may ask you to clarify a particular issue in writing or over the telephone, or in exceptional circumstances to come to a meeting with us to discuss your complaint in more detail.

You will usually receive a full reply to your complaint within two weeks of our receiving the complaint, or of clarification of any issues you raise. If we cannot give a full reply in this time, we will tell you why, and when you are likely to receive it.

What if you are still dissatisfied after Stage Two?

If you are not satisfied with the reply you receive from our Chief Executive, you can refer your complaint to an external Independent Complaints Assessor. You need to approach the Independent Complaints Assessor within four weeks of receiving our final Stage Two response to your complaint

and send the Independent Complaints Assessor a copy of the Stage Two response you received. The Independent Complaints Assessor will usually acknowledge your complaint within five working days.

The Independent Complaints Assessor is not part of our organisation and his/her investigations and recommendations are independent. The Independent Complaints Assessor is unbiased and hears both sides of the complaint. There is no charge to you for using the Independent Complaints Assessor.

The Independent Complaints Assessor has the power to decide whether or not to investigate a complaint, and will explain his/her reasons if he/she decides not to investigate it. The format of any investigation is for the Independent Complaints Assessor to decide and he/she may seek to settle the complaint informally, rather than completing a formal investigation. The Independent Complaints Assessor may ask you or us for information to assist in any investigation.

If the Independent Complaints Assessor finds your complaint to be justified, he/she will make any necessary recommendations to the Chief Executive of the Phone-paid Services Authority about action needed to put things right for you, and about how to prevent a similar situation in future. The Independent Complaints Assessor cannot recommend changes to our legal responsibilities and policies on investigating PRS complaints.

The Independent Complaints Assessor will usually make a decision on your complaint within three months. We will respond to any recommendations within four weeks of receiving the Independent Complaints Assessor's report.

The external Independent Complaints Assessor cannot consider complaints that have not gone through the internal Stage One and Two procedures. The only exception is if you have tried to follow the internal procedures, but have been unable to complete them within a reasonable time because of a failure by us.

What if you are unhappy with the decision of the Independent Complaints Assessor?

There is no further body or person to whom a complaint about the conduct of the Phone-paid Services Authority can be addressed. It will have been finally adjudicated by an independent person under a simple and transparent process and matters will then be closed.

A further complaint cannot be made about a matter that has already been referred to the Independent Complaints Assessor.

Ofcom has no role in dealing with complaints about the conduct of the Phone-paid Services Authority. However, if you have comments material to its approval of our Code of Practice, you may write to Ofcom.

What else do I need to know?

Any personal information that you provide us with if you use our complaints procedure will be used only for purposes connected with your complaint. If you complain to the Independent Complaints Assessor, we may provide him/her with any information we hold about you, which he/she reasonably requests in connection with that. By lodging a complaint, you are agreeing that this may occur. We may also give your personal information to other people and organisations, if we have to do so by law or if you have given us permission.

Equal opportunities – we are committed to equal opportunities and take complaints about discrimination seriously. We may also use complaints about discrimination to review our policies and procedures in that regard.

Freedom of Information – the Phone-paid Services Authority is not subject to the provisions of the Freedom of Information Act 2000, however we are committed to transparency and we voluntarily operate a Publication Scheme. This Publication Scheme in the form recommended by the Information Commissioner for organisations such as ours is published on our website, and provides details of the nature of the documents available on the site including documents regarding our governance, constitution, management and operations.

Comments and suggestions – we welcome comments and suggestions as these can help us improve our services. Please send any comments or suggestions to the Director of Corporate Services and Operations. The contact details are given in ‘Getting in touch’, below.

Getting in touch

You can contact our Head of Contact Management, Director of Corporate Services and Operations and Chief Executive by writing to:

The Phone-paid Services Authority Limited
25th floor
40 Bank Street
London
E14 5NR

or by emailing: ComplaintsAboutUs@psauthority.org.uk

You can contact the Independent Complaints Assessor at:

Emma Boothroyd
The Phone-paid Services Authority Independent Complaints Assessor
Angel Chambers
Kings Road
Swansea
SA1 8AS

independentcomplaints@gmail.com