

The Gas and Electricity (Consumer Complaints Handling Standards) Regulations 2008

A complaint¹ can only be made against extraenergy by a domestic or microbusiness consumer² or by a person acting on behalf of that consumer. **A consumer can also be a customer in relation to other services provided by extraenergy.** A domestic consumer³ is a person supplied or requiring to be supplied with gas or electricity at a premises that is used mainly for domestic purposes. A microbusiness consumer⁴ is defined as <SLC>

A complaint is “any expression of dissatisfaction” made to extraenergy that relates to one or more of our products and services or a dissatisfaction in the way we have dealt with the original expression of dissatisfaction and where the expression requires (either expressly or implied) a response from extraenergy on the date the expression was made or is expected to be made shortly after⁵.

Complaints Handling Procedure:

A supplier must have in place at all times, a complaints handling procedure which is followed in each and every complaint received. The complaints handling procedure must;

- a) be in plain and intelligible language,
- b) allow for complaints to be made orally (telephone or in person at extraenergy’s premise) or in writing (letter, email),
- c) allow for complaints to be progressed through each stage of the complaints handling process (both orally and in writing)
- d) describe the steps which extraenergy will take to investigate and resolve the complaint and the likely timescales for each of those steps,
- e) provide for an internal review of an existing complaint where the person making the complaint requests that they would like a review to occur because they are dissatisfied with the handling of their complaint,
- f) inform the customer of the names and contact details of the main sources of independent help, advice and information available to them,
- g) describe the process where we are unable to resolve the complaint to the customer’s satisfaction or where the specified time to resolve the complaint (8 weeks) has elapsed, we must notify the customer in writing and describe the customer’s right to refer a complaint to a redress scheme (“Energy Ombudsman”),
- h) set out the different remedies that may be available to a consumer under the procedure in respect of that complaint; remedies must include;
 - a. an apology,
 - b. an explanation,
 - c. taking appropriate remedial action,
 - d. compensation in appropriate circumstances
- i) Include a remedy award of compensation to domestic consumers where the consumer has been adversely affected by a failure of extraenergy to comply with the obligations under SLC 25.

¹ “consumer complaint” means a complaint, other than a network outage report, which is made against a regulated provider either (a) by a person in that person’s capacity as a relevant consumer in relation to that regulated provider; or (b) by a person acting on behalf of such a relevant consumer;

² “relevant consumer” means any one or more of the following as the context requires: (a) a person who is a domestic consumer or a micro business consumer in relation to gas supplied by a regulated provider; (b) a person who is a domestic consumer or a micro business consumer in relation to electricity supplied by a regulated provider; (c) a person who is a domestic consumer or a micro business consumer in relation to services provided by a regulated provider;

³ “domestic consumer” means a person supplied or requiring to be supplied with gas or electricity at domestic premises (but excluding such person insofar as he is supplied or requires to be supplied with gas or electricity at premises other than domestic premises); “domestic premises” means premises at which a supply of gas or electricity is taken or to be taken wholly or mainly for domestic purposes;

⁴ “micro business consumer” means any person, other than a domestic consumer, who a regulated provider knows or, acting reasonably, considers falls within the description of consumers who are covered by a Section 47 Order;

⁵ “complaint” means any expression of dissatisfaction made to an organisation, related to any one or more of its products, its services or the manner in which it has dealt with any such expression of dissatisfaction, where a response is either provided by or on behalf of that organisation at the point at which contact is made or a response is explicitly or implicitly required or expected to be provided thereafter;

Recording Complaints on receipt

When is a complaint/contact received?

- Where the complaint/contact is made orally, it is deemed to have been received on the day it was provided to extraenergy.
- Where a complaint/contact is made in writing and is received before 17:00 hours on a working day⁶, it is deemed to have been received on that same day
- Where a complaint/contact is made in writing and is received after 17:00 hours on a working day or at any other time on a non-working day, it is deemed to have been received on the next working day

On the receipt of a complaint, extraenergy must electronically record;

- 1) the date the complaint was received;
- 2) was the complaint made orally or in writing;
- 3) the name and contact details of the customer (or third party) making the complaint;
- 4) the account details of the customer;
- 5) a summary of the complaint;
- 6) a summary of the advice given and action taken/agreed in relation to the complaint;
- 7) was it resolved and if so, the reasons for why we believe it is resolved; and
- 8) the method for future communication (if any) that was agreed with the customer.

Where further contact is made by the customer in relation to an existing complaint⁷ (whose details we had/should have recorded), on the receipt of that contact, extraenergy must record;

- 1) the date of the contact
- 2) was the complaint made orally or in writing
- 3) whether the person making the complaint is the same person who made the original complaint and where different, record the name and contact details of that person
- 4) a summary of the contact
- 5) a summary of the advice given and action taken/agreed in relation to the contact;
- 6) was it resolved and if so, the reasons for why we believe it is resolved; and
- 7) the method for future communication (if any) that was agreed with the person.

These details must be clearly linked to an existing customer complaint. Where a customer claims to have already made a complaint but we cannot identify the existing complaint we must record the fact that we are unable to trace the existing complaint.

A complaint will be resolved⁸ when there is no outstanding action to be taken by extraenergy and it has been resolved to the satisfaction of the customer (or third party) who made the complaint.

Where we have recorded that a complaint is resolved but we receive subsequent contact from a customer in relation to that complaint that indicates that it is not resolved, extraenergy must;

- 1) record details of the change in the complaints status
- 2) as soon as possible after we are made aware of the unresolved complaint:
 - a. direct the customer to the complaints handling procedure on our website and offer to provide a copy of the procedure to the customer free of charge;
 - b. take account of the complaint in any report which we are obliged to prepare and publish and
 - c. must not treat the complaint as resolved until the complaint is demonstrably a resolved complaint.

⁶ "working day" means any day other than a Saturday, a Sunday, Christmas Day, Good Friday or a day which is a bank holiday within the meaning of the Banking and Financial Dealings Act 1971(e);

⁷ "existing consumer complaint" means a consumer complaint which has been received by a regulated provider and whose details have been or should have been recorded by that regulated provider in accordance with Regulation 4(1);

⁸ "resolved complaint" means a consumer complaint in respect of which there remains no outstanding action to be taken by the regulated provider and which has been resolved to the satisfaction of the relevant consumer who made that consumer complaint or on whose behalf that consumer complaint was made;

Recording handling of complaints

We must keep a written, electronic record of the matters specified below for each complaint which we receive where the complaint has not become a resolved complaint by the end of the first working day after the day on which it was first received by extraenergy.

Extraenergy must record;

- 1) the steps we have taken in response to each complaint including any steps taken to resolve the complaint
- 2) the date the complaint becomes a resolved complaint
- 3) the date when 8 weeks expires
- 4) the date the customer (or third party) was informed of their right to refer their complaint to the Ombudsman

Signposting consumers to the Ombudsman if complaints cannot be resolved

On;

1. the first working day after the day we become aware that we are not able to resolve the complaint to the customer's satisfaction; and
2. the date on which the 8 weeks expires unless the date falls on non-working day, in which case the first working day thereafter

extraenergy must send the customer a written notice informing that customer of the below;

- a) their right to refer the complaint to the Ombudsman,
- b) that the Ombudsman are independent of extraenergy,
- c) that the Ombudsman is free of charge to the customer for all types of complaints,
- d) the types of redress that may be available under the Ombudsman, and
- e) the outcome of the Ombudsman process is binding on us but not on the customer.

Citizens Advice and Extra Help Unit complaints⁹

We must agree with the CAB and set out the process for referrals from CAB in respect of customer complaints. We must put in place appropriate arrangements to deal effectively with s12 and s13 complaints. If a vulnerable customer (or their complaint) is referred to extraenergy by the Citizens Advice Bureau ("CAB"), we must take such additional steps as necessary to assist the vulnerable customer and resolve the complaint in an appropriate and prompt manner. A vulnerable customer is someone who the CAB consider that it is not reasonable to expect the customer to pursue to the complaint on their own.

Where a complaint is referred to CAB by or on behalf of a vulnerable customer, CAB may investigate the complaint to determine whether it is appropriate to take action. If action is necessary, CAB may provide advice to the customer (or third party) or make representations on the customer's behalf to extraenergy about anything related to the complaint. The complaint must be made by a vulnerable customer (or third party) against extraenergy who, in their course of business, supplies, seeks to supply or refuses to supply goods or services to the vulnerable customer.

Where a complaint is made against extraenergy to CAB in relation to;

- the disconnection (or threat of disconnection) of the gas/electricity supply to the customer's premises
- the refusal to restore supply following a disconnection
- a failure of a prepayment meter (failure in top ups or credit not being applied to the meter due to defect)

the CAB must investigate the complaint to determine whether to take any action. Where appropriate, CAB must provide advice to the customer (or third party) and make representations on the customer's behalf to extraenergy about anything related to the complaint. The complaint must be made by a vulnerable customer (or third party) against extraenergy who, in their course of business, supplies, seeks to supply or refuses to supply goods or services to the vulnerable customer.

⁹ "section 12 and 13 complaint" means a complaint to which any one or more of section 12(3), section 12(4), section 13(2) or section 13(3) of the Act applies or apply; "the Act" means the Consumers, Estate Agents and Redress Act 2007;

Allocation and maintenance of adequate resources for complaints handling

Extraenergy must receive handle and process complaints in an efficient and timely manner and allocate and maintain adequate resources in order to achieve this.

Information to Customers

- The complaints handling procedure must appear in a clear and prominent location on our website
- By the end of the first working day after the receipt of the complaint, we must provide (as soon as reasonably practical); direct the customer to our procedure on our website and offer to provide a copy of the procedure free of charge
- Once every 12 months, inform domestic customers of the existence of the procedure and how a customer may obtain a copy of it
- On request by a customer, provide a copy of the procedure free of charge.

Publication of information on complaints

We must prepare a complaints report which states; the number of domestic complaints received during the 12 month period that had not become resolved complaints by the end of the first working day after the date of receipt. The report must also include a statement that we have a complaints procedure, how a copy of the procedure can be obtained, point to the existence of the Regulations and how and where a copy of these Regulations can be obtained.

We must publish our complaints report annually at a prominent location on our website and provide a free copy of the report to anyone who requests it.