Consumer Complaints Handling Procedure
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1 Introduction

1.1 Purpose

The Telecommunications Authority of Trinidad and Tobago (herein after called the Authority) is charged with the responsibility of liberalizing the telecommunications sector. As with any regulatory body, a system to address complaints from dissatisfied consumers of telecommunications and subscription broadcasting services offered by concessionaires should be established.

The purpose of this document is to give context and direction to the Authority’s consumer complaints handling procedure. Under this procedure, the Authority shall:

(i) Recognize, promote and protect the consumers’ right to comment and complain about their dealings with service providers;

(ii) Provide an efficient, fair and accessible framework for resolving consumer complaints;

(iii) Identify the way in which the Authority will communicate with consumers about the complaint handling process;

(iv) Provide a mechanism for improving the quality of service from providers by monitoring consumer complaints.

1.2 Scope

This document describes the Authority’s Consumer Complaint Handling Procedure, including guidelines for classifying and escalating consumer complaints.

The Telecommunications Act 2001 provides for:

- the protection of consumers of public telecommunications and broadcasting services
- the resolution of disputes involving consumers
- the investigation of consumer complaints.

The Act states the following:

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1 The Telecommunications Act was promulgated in 2001 and amended in 2004. This Act governs the operations and sets the framework of the Authority.
• Section 18 (1) “the Authority may exercise such functions and powers as are imposed on it by the Act and in particular”
  o Section 18 (m) “investigate complaints by users, operators of telecommunications networks, providers of telecommunications and broadcasting services or other persons arising out of the operation of a public telecommunications network, or the provision of a telecommunications service or broadcasting service, in respect of rates, billings and services provided generally and to facilitate relief where necessary”
  o Section 18 (q) “establish a consumer complaints committee to collect, decide on and report on consumer complaints, such reports to be included in the Authority’s annual report”

• Section 22(3) (e) “Every concession for a public telecommunications network, a public telecommunication service or a broadcasting service shall contain conditions regarding the provision of information to users and procedures for handling and responding to user complaints and disputes”

• Section 78(1) “The Minister, on the recommendation of the Authority, shall make such regulations, subject to negative resolution of Parliament, as may be required for the purposes of this Act, including regulations prescribing”…
  o Section 78(1) (j) “procedures for investigating and resolving complaints by users with regard to public telecommunications services”.

It should be noted that while the Authority receives numerous complaints, including complaints that arise between service providers and all users of telecommunications and subscription-broadcasting services, this Consumer Complaints Handling Procedure focuses only on complaints from consumers of telecommunications and subscription-broadcasting services. All other complaints in respect of public telecommunications and subscription broadcasting services will be treated with by the Authority in accordance with the Dispute Resolution Procedures.
1.3 Maintenance of the Document

This document will be modified periodically to meet changing and unforeseen circumstances. The Authority, any stakeholder in the telecommunications sector, or any member of the public may identify the need for modification. When need for modification is identified, the identifying entity will submit the modification issue to the Authority.

Questions or concerns regarding the maintenance of the Complaints Handling Procedure may be directed to the Authority.

1.4 Definitions

1.4.1 Complaint – any submission from a person or other entity indicating dissatisfaction with the services, products or facilities provided by a concessionaire.

1.4.2 Complainant – person or other entity making a complaint.

1.4.3 Consumer\(^2\) – Any person:

   a. to whom goods or services are sought to be supplied in the course of a business carried on by the person supplying or seeking to supply them; and

   b. who does not receive or seek to receive the goods or services in the course of business carried on by him.

For the purpose of these procedures, the Authority will consider complaints from persons who receive goods and services for personal use and for the purpose of business carried out by the individual.

\(^2\) This definition is adopted from the Trinidad and Tobago Consumer Protection and Safety Act of 1985.
2 Before Making a Complaint to the Authority

2.1 Lodging the Complaint with the Service Provider Concerned First

If a consumer has a complaint about the services provided by a telecommunications or subscription-broadcasting service provider, he/she should first lodge the complaint with the service provider. Where the complaint has not yet been lodged with the relevant service provider, the Authority shall direct the complainant to do so.

It is the responsibility of the service provider to handle consumer complaints, in accordance with its own complaint handling procedures.

In addition, the complainant should try to obtain the name of the person he/she spoke with at the company and gather any documents relevant to the complaint, such as contracts, bills and copies of correspondence that can be used as evidence, should the matter be referred to the Authority.

2.2 Verification of Complaints

If a consumer is in any doubt as to whether or not a complaint should be submitted, the Authority should be contacted at:

**Offices of the Authority**
76 Boundary Road,
San Juan, Trinidad and Tobago
Telephone (868) 675-8288,
Fax - (868) 674-1055
Email – info@tatt.org.tt
2.3 Dismissal of Complaints

The following types of complaints will not be actioned by the Authority via the Consumer Complaints Handling Procedures:

- Frivolous complaints
- Vexatious complaints
- Anonymously submitted complaints
- Complaints not first lodged with the service provider

Frivolous complaints are those that are either not supported by the circumstances or that do not raise any significant or addressable issues. Vexatious complaints are those that the Authority determines are being pursued by the consumer only to cause inconvenience to the service provider.

While anonymously submitted complaints and complaints not first lodged with the service provider will not be actioned, these complaints will be recorded by the Authority.
3 Process for Submitting a Complaint to the Authority

3.1 Lodging a Complaint with the Authority

3.1.1 A complaint may be lodged with the Authority when:

- no effort was made by the service provider to resolve the complaint; or
- the complainant is dissatisfied with the outcome of the complaint submitted to the service provider; or
- the complainant is of the opinion that all means of resolution have been exhausted with the service provider; or
- attempts by the complainant to contact the service provider has proved unsuccessful.

3.1.2 The complainant shall complete and sign a Complaint Form (attached at Appendix A) and provide any other relevant documentation to support the claim. A representative from the Authority can complete the Complaint Form on behalf of the complainant, however the complainant will be required to sign the form.

3.1.3 Complaint Forms can be obtained:

- On the Authority’s website (http://www.tatt.org.tt)
- At TTPost outlets throughout Trinidad and Tobago
- At the offices of the Authority - 76 Boundary Road, San Juan, Trinidad and Tobago
- At the Authority’s Service Facility in Tobago - Management Services Unit, Office of the Chief Secretary, Tobago House of Assembly, Quarters #34, Calder Hall Road, Scarborough
3.1.4 Complaint Forms must be submitted to the offices of the Authority or Management Services Unit, Office of the Chief Secretary, Tobago House of Assembly, Quarters #34, Calder Hall Road, Scarborough, Tobago via fax, post, e-mail or by hand.

3.1.5 When a complaint is submitted via fax or e-mail, the original must be submitted to the offices identified at 3.1.4 above within 14 calendar days of submitting the fax or email. If the original is not received by the Authority within this 14-day period, the Authority may cease processing of the complaint.

3.1.6 Where it is difficult for the consumer to obtain a Complaint Form, the Authority shall accept a signed and dated letter detailing the nature of the complaint with the relevant particulars.

3.1.7 The Authority shall acknowledge receipt of all complaints within seven (7) calendar days of receiving the complaint.

3.1.8 All information needed to support the complaint shall be submitted to the Authority. The Authority shall treat all information submitted by a complainant as confidential, but will forward all necessary information to the relevant service provider in order to resolve the complaint.

3.1.9 If the Authority cannot offer assistance in the matter, the complainant shall be informed and given an explanation.
4 Classification of Complaints

4.1 Criteria for Classification

Complaints handled by the Authority will be classified at Level 1, Level 2 or Level 3. Table 1 summarises the criteria used by the Authority in classifying complaints. The Authority shall classify the complaints in accordance with the following criteria:

(i) Prior opportunities for the service provider to resolve the complaint;
(ii) Length of time the service provider has been dealing with the complaint; and
(iii) Extent of involvement required by the Authority.

Table 1 Complaint Classification

<table>
<thead>
<tr>
<th>Criteria</th>
<th>Level 1</th>
<th>Level 2</th>
<th>Level 3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Prior opportunities for service provider to resolve complaint</td>
<td>Complaint previously considered by service provider but not resolved.</td>
<td>Escalated from Level 1.</td>
<td>Escalated from Level 2.</td>
</tr>
<tr>
<td>Length of time for which the service provider had been dealing with the complaint</td>
<td>Timeframe allocated by the service provider considered by the complainant to be unreasonable; or Length of time allocated by the service provider to resolve the complaint has expired.</td>
<td>Maximum timeframe allocated at Level 1 has expired.</td>
<td>Escalated from Level 2.</td>
</tr>
</tbody>
</table>
4.2 Escalation of Complaints

4.2.1 Complaints can be escalated from one level to the next for one or more of the following reasons:

(i) The service provider does not respond to the complaint within the prescribed timeframe and the complaint remains unresolved;

(ii) The service provider does not, on the Authority’s request, provide relevant documentation, necessary to understand and/or resolve the complaint;

(iii) After the available information is evaluated, the Authority does not agree with the service provider’s response, or that the outcome achieved is fair and reasonable in all the circumstances; or

(iv) Previous attempts at resolving the complaint reveal further circumstances that need to be investigated or considered.

4.2.2 A complaint will not be escalated where the service provider has requested an extension and where the Authority is satisfied that the service provider has done all in its power to resolve this complaint within the stipulated timeframe. In such a case, the complaint will not be escalated and the service provider will be granted an extension to the timeframe depending on the situation.

4.2.3 A service provider may request that the Authority reconsider the escalation of the complaint made against them. The request must be supported by information
justifying the reconsideration, including how the service provider will resolve the complaint without the escalation.

This request for reconsideration shall be directed to the Consumer Complaints Committee and shall be dealt with on a case-by-case basis.
5 Levels of Complaints

5.1 Level 1 Complaints

5.1.1 All legitimate complaints received will be classified as Level 1.

5.1.2 Upon receipt of a complaint, the Authority will submit a Complaints Reporting Form to the service provider for completion. This form will include, but not be limited to:

- the steps taken by the service provider to respond to the complaint,
- an explanation as to why the complaint has not been resolved,
- the outstanding issues, and
- an estimate of the timeframe within which the service provider believes the complaint can be resolved.

The service provider shall be required to return the requested information within five (5) calendar days to the Authority.

5.1.3 Based on the information submitted by the service provider under 5.1.2 above, the Authority shall, by a Notice of Direction, require the service provider to:

a. contact the complainant within five (5) calendar days of the Authority’s direction;

b. resolve the complaint with the complainant within a reasonable timeframe to be prescribed by the Authority in its direction; and

c. provide a report on the status and/or the outcome of the complaint, to the Authority, 5 calendar days after the time frame prescribed above in b.
5.1.4 If the complaint is not resolved, or the service provider has not responded to the Authority within the timeframes prescribed at 3.5.2 and 3.5.3 above, the complaint shall be escalated to Level 2.

5.2 Level 2 Complaints

5.2.1 If the complaint is escalated from a Level 1 to a Level 2 classification, the Authority shall:

a) Notify the service provider of the escalation and the Authority’s intention to investigate the complaint;

b) Require that the service provider submit a report to the Authority on the status of the complaint within five (5) calendar days of the Authority’s notification in (a). The report should provide a summary of the actions taken by the service provider to resolve the complaint and reasons for the complaint not being resolved within the stipulated timeframe, along with supporting evidence. Where the service provider has filed a report as part of the level 1 process, the service provider may rely on that report subject to any appropriate updates;

c) Request that the complainant provide any additional documentation not originally submitted in Level 1, within seven (7) calendar days, which may be relevant to the complaint and which may be necessary to understand and substantiate the complaint;

d) Investigate the validity of the claims made by the complainant and the service provider in order to make a fair assessment of the complaint; and

e) Mediate with the service provider and the complainant in order to encourage both parties to reach a mutually acceptable solution.
5.2.2 Investigation by the Authority may involve any of, but is not limited to, the following:

- Collection of additional documentation or information from the service provider or complainant;
- Review and analysis of documentation or information submitted in connection with the complaint;
- Requests for specific testing by the service provider and provision of test results to the Authority;
- Discussion with the complainant or the service provider;
- Consideration of any applicable legislation, regulation or concession obligation;
- Consideration of industry Codes of Practice;
- Accessing of legal or other specialist advice.

5.2.3 The Authority shall notify a service provider of its intention to investigate as soon as the complaint has been escalated to Level 2. The Authority’s notification shall be made in writing to the service provider, and shall include:

(i) Information to identify the complainant;
(ii) The Authority’s reference number for the complaint;
(iii) The name of the person(s) and his/her/their job title conducting the investigation;
(iv) The reasons why the complaint is being investigated;
(v) The issue in dispute from the complainant’s perspective, which may include any relevant information submitted by the complainant to the Authority;
(vi) A request for any additional information or documentation relevant to the complaint;
(vii) Any directions for appropriate interim arrangements such as suspension of credit management on the complainant’s account; and
5.2.4 The Authority shall also notify the complainant of its intention to investigate the matter as soon as the complaint has been escalated to Level 2. The notification shall include:

- A request for any additional information as may be required by the Authority; and
- A prescribed timeframe in which a response can be expected from the Authority in relation to any interim arrangement or further updates on the status of the complaint.

5.2.5 The Authority shall forward a copy of the notification to the service provider under 5.2.3 above to the complainant, and shall also copy the notification to the complainant under 5.2.4 above to the service provider.

5.2.6 When investigating a complaint, the Authority shall examine and weigh the available evidence in any given case, including documentation submitted by both parties, oral statements to the Authority, and the actions of either party before and after the submission of the complaint.

5.2.7 Unless a complainant has reasonable grounds for not supplying all documentation requested, the Authority will not proceed with an investigation unless and until such documentation has been submitted.

5.2.8 Within fourteen (14) calendar days of completing an investigation, the Authority shall engage both parties in a mediation session in order to encourage the parties to consider each other’s arguments and evidence and agree on a mutually acceptable outcome.

5.2.9 If a mutually acceptable solution is reached under 5.2.8 above, the Authority will record the terms of the agreement in writing, to be signed by both parties. It will direct the service provider and the complainant to resolve the matter in
accordance with the agreed solution and within a timeframe to be agreed by both parties at the mediation session. This too will be reduced into writing.

5.2.10 Subsequently, the service provider shall notify the Authority within the agreed timeframe under 5.2.9 as to whether the matter has been resolved with the complainant.

5.2.11 If a mutually acceptable solution is not reached under 5.2.8 above, or the complaint has not been resolved in accordance with the agreed solution within the timeframe under 5.2.9 above, the Authority shall escalate the complaint to Level 3 and refer the matter to the Consumer Complaints Committee (CCC) described at Section 6.

5.3 **Level 3 Complaints**

5.3.1 The Authority shall notify the service provider and the complainant of its decision to refer the complaint to the Consumer Complaints Committee (CCC) within seven (7) calendar days of its decision being made.

5.3.2 The Authority shall submit the Level 3 complaints, including all relevant documentation or information to the CCC. A Meeting of the CCC shall be convened to consider the complaints at least five (5) calendar days after receiving the complaints.

5.3.3 At the meeting, the CCC will review the complaint and determine a schedule to be followed by both the CCC and the parties involved. The purpose of this schedule will be to ensure that the matter is dealt with in an expeditious manner, while allowing the parties adequate opportunity to prepare any additional documents or information that may be required by the CCC. This schedule should be no longer than twenty-eight (28) calendar days.
5.3.4 On reviewing the complaint, the CCC shall determine whether any additional supporting evidence or documents are to be submitted by either the complainant or the service provider. The deadline for submission of these documents shall be in accordance with the schedule set out under 3.8.3 above.

5.3.5 Where required after evaluation of the evidence, the CCC shall schedule a meeting with both parties to obtain further information on the complaint and to aid in the decision-making process.

5.3.6 All decisions of the CCC shall be made by a majority vote of the members of the committee.

5.3.7 After deliberation, the CCC shall communicate its final decision to the Authority and to the parties involved. The final decision will be first communicated orally at a meeting convened by the CCC with both parties, and then followed by a written decision within 7 calendar days of that meeting.

5.3.8 The decision of the CCC shall be binding on the parties and shall take effect within 14 calendar days of the written decision, or as otherwise determined by the CCC.

5.3.9 In accordance with Section 83 of the Act, if any party is dissatisfied with the decision of the CCC, a written appeal can be made to the Authority within fourteen (14) calendar days of the CCC’s decision.

5.3.10 Either party to the complaint, or the Authority, may request an amendment to the decision on the grounds of the decision containing typographical errors. The CCC may amend its written decision within 14 days of receipt of the request. Both parties shall be informed of the amendment and the amended version of the final decision shall be issued to both parties within 7 days of the amendment being made.

5.3.11 The decision of the CCC will be filed by the Authority.
The Consumer Complaints Committee

6.1.1 The Consumer Complaints Committee (CCC), established under Section 18(1)(q) of the Act, shall meet at least once every three months, or as required, to deal with Level 3 complaints. The CCC shall conduct itself in accordance with the following principles:

- Independence;
- Impartiality;
- Transparency;
- Participatory Dialogue (parties must have a fair opportunity to present their viewpoint);
- Effectiveness (ensuring minimal cost and timely resolution);
- Fairness;
- Representation (parties shall be allowed representation or assistance by a third party at all stages of the procedure);
- Simple procedure

6.1.2 The CCC shall be comprised of at least three individuals as follows:

- A member of the Board of the Authority
- A staff member of the Authority
- An individual external to the Authority to be selected in accordance with criteria determined by the Authority

6.1.3 The CCC may retain additional expertise to assist in resolving particular cases, including but not limited to representatives of the following bodies:

- Ministry of Legal Affairs (Consumer Affairs Division)
- The Tobago House of Assembly
• Network of Non Governmental Organizations
• The Law Association of Trinidad and Tobago
• Copyright Organization of Trinidad and Tobago
• Trinidad and Tobago Chapter of Disabled People International
• Association of Professional Engineers of Trinidad and Tobago
• National Trade Union Centre
• Association of Community and Village Councils

6.1.4 The CCC may also determine the escalation of complaints to Level 3 when required, based on reports submitted to it by the Authority.
7 Recording of Complaints

7.1 Filing

7.1.1 All complaints received by the Authority shall be logged in the Authority’s filing system and assigned a file number.

7.1.2 A system will be developed for recording the history and progress of a complaint and for the purpose of generating reports.

7.1.3 All significant progress in processing a complaint, including escalations and any contact with the parties shall be recorded by the Authority. The Authority shall retain all information and material collected throughout the complaints handling process in accordance with the Authority’s Records Retention Policy.
8 Costs

8.1 Responsibility for Costs

8.1.1 The complainant and the service provider shall bear their own costs incurred in the complaints handling process for Level 1 and Level 2 complaints, unless otherwise decided by the CCC. Where a complaint has been escalated to Level 3 and costs are incurred, the CCC shall determine the manner in which costs should be recovered.
Appendix 1: Summary of Complaints Process
Level 1 Complaint

Case Closed

Yes

Complaint resolved?

Complaint referred directly to Service Provider

No

Complaint dealt with by Service Provider previously?

Yes

Complaint form letter filed by complainant with supporting documentation

No

Form letter completed?

Yes

Request for additional supporting documents

No

Return form letter to complainant to be completed thoroughly

Complaint acknowledged within 7 days

Complainant classified as Level 1

Complaints Reporting Form submitted to the service provider for completion

Service provider to return completed form within 5 days

Notice of Direction submitted to service provider

Yes

Complaint resolved?

Case Closed

No

Complaint escalated to Level 2
Complaint Classified as Level 2

Notification of escalation sent to service provider and complainant

Service provider to submit report within 5 days of the notification.

Complainant to provide additional documentation within 7 days.

Investigate complaint

Documentation submitted?

Yes

Mediation session held within 14 days of completing investigation

Solution reached?

Yes

Written terms of agreement to be signed by both parties

No

Complaint escalated to Level 3

No

Unless a complainant has reasonable grounds for not supplying all documentation requested, the Authority will not proceed with an investigation

Service provider to notify Authority when matter resolved
Level 3 Complaint

Complaints Classified as Level 3

Notification of escalation to be sent to service provider and complainant

Complaint to be referred to CCC within 7 days of escalation

CCC to convene meeting within 5 days of receiving complaint

CCC to determine time schedule for complaint

Request by CCC for additional information from service provider and/or complainant

More information needed from parties?

Yes

CCC to evaluate evidence, if necessary meet with parties, and make a decision

No

CCC to relay decision to all parties (incl. the Authority) followed by a written decision in 7 days

Parties satisfied with CCC decision?

Yes

Case closed

No

Written appeal made to the Authority

More information needed from parties?

Yes

Request by CCC for additional information from service provider and/or complainant

No

CCC to evaluate evidence, if necessary meet with parties, and make a decision

Parties satisfied with CCC decision?

Yes

Case closed

No

Written appeal made to the Authority

Complaint to be referred to CCC within 7 days of escalation