



Response to consultations on
Complaint Handling Standards
and
Criteria for approval of
Redress Schemes

Postcomm consultations 2008

Response of
The Trading Standards Institute

March 2008



Ron Gainsford
Chief Executive
Trading Standards Institute
1 Sylvan Court, Sylvan Way
Southfields Business Park
Basildon, Essex, SS15 6TH
Telephone: 0845 608 9402
Mobile: 07786 066 814
E-Mail: rong@tsi.org.uk

Carmen To, Manager – Universal Service & Customer Protection
Postcomm
Hercules House
6 Hercules Road
London
SE1 7DB

17 March 2008

Dear Carmen

Thank you for the opportunity to submit our comments on the consultations on complaint handling standards and criteria for approval of redress schemes.

The Trading Standards Institute is the professional body for Trading Standards professionals working in the private and public sector.

It is the national body responsible for representing, supporting, lobbying, and championing Trading Standards to a range of stakeholders including government, business, consumers, and the media.

We look to provide innovative solutions across the regulatory arena, to administer and award professional qualifications, to accredit and certify training and ensure the ongoing competence of members, and to influence and lobby on behalf of the profession as a whole.

We aim, through our actions and our members' actions, to empower consumers and reputable business to contribute to a vibrant economy.

We strive to eliminate rogue traders and unfair trading practices from the marketplace, to promote environmental sustainability, and to make an effective contribution to the health and social wellbeing of citizens and communities.

In compiling the attached response, TSI has sought the view of our Lead Officer on Civil Law, David Sanders. If you require clarification on any of the points raised in the response, please do not hesitate to contact David by email (locivillaw@tsi.org.uk) or by telephone on 0845 608 9492.

Yours sincerely



Ron Gainsford
Chief Executive

The Trading Standards Institute is a company limited by Guarantee.
Registered in England and Wales.
Register Number 38769.
Registered office:
1 Sylvan Court, Sylvan Way
Southfields Business Park
Basildon, Essex SS15 6TH

(1) Complaint Handling Standards – TSI Response

TSI is grateful for the opportunity to respond to this consultation as many of our members are involved in the regulation of trade. Furthermore, one of the channels for receiving complaints, Consumer Direct, may soon provide a similar contact for the Postal Services Commission (Postcomm) through the creation of Consumer Voice.

Postcomm is a regulatory body charged with responsibilities under the Consumer, Estate Agents and Redress Act. The Trading Standards Service from which many TSI members are drawn also has responsibilities under this Act. However, another new piece of legislation, the Consumer Protection From Unfair Trading Regulations 2008, that implements the Unfair Commercial Practices Directive contains, *inter alia*, controls on misleading commercial practices. These controls are also enforced by the Trading Standards Service except in such circumstances as where there are “established means” for dealing with such matters. TSI regards its response to this consultation in this light. That is to say, it regards the Postcomm view as the most appropriate in relation to regulating that industry.

TSI does support the suggested approach of allowing licensed operators to operate within a framework of regulation that does not stifle innovation and that provides scope for greater efficiency whilst providing parameters for a service that is fair and equitable to all.

Consultation Questions

1 Do you agree with Postcomm’s proposal to introduce a high level framework of principles rather than prescribe detailed procedures for complaint handling regulations? Please explain your answer.

Yes. For the reasons stated above this approach is most suitable for competitors of varying size and financial strength

2 Do you agree with Postcomm’s proposed high level framework for complaint handling standards? If you do not agree with one or more of the principles, please state which ones and why.

TSI supports all of the proposals outlined.

3 Are any changes required to the wording of the high level principles? Please explain any changes you would suggest.

No

4 What, if any, other principles should be included in the complaint handling regulations? Please explain.

TSI supports all of the fifteen principles in Paragraph 3:18 of the consultation document and does not see an obvious need for the inclusion of others.

5 Are the principles clear and understandable? If not, please suggest how clarity and ease of use could be improved.

Yes

6 Do you consider the principle in relation to vulnerable customers to be sufficient to ensure that licensed postal operators take into account the reasonable needs of these customers and provide them with appropriate assistance when required? Please explain your answer.

TSI believes that whilst protecting vulnerable consumers requires arrangements over and above those for the average consumer it would be difficult to improve on principle (xi) without being over-prescriptive. This might be a matter best left for review once in operation

7 Do you agree with Postcomm's proposals on the review and modification process for the complaint handling regulations? Please explain your answer.

TSI supports the review time scale and the methodology.

8 Are there other examples of best practice that Postcomm should be made aware of before it finalises the complaint handling regulations?

TSI is not aware of any relevant scheme that has not been considered.

(2) Criteria for approval of Redress Schemes – TSI Response

TSI notes that in Paragraph 2.22 a redress scheme shall include all users of products provided under a licence, excluding those who have a written contract with licensed postal service providers. This is presumably because as parties to a written contract they have the right of redress through the civil courts. However, the arguments for ADR schemes are still valid and those with written contacts should still be free to OPT for an ADR scheme option within the original contract.

Further in paragraph 3.3 TSI interprets the first bullet point in relation to licensed operators who shall not be expelled from a redress scheme as not being expelled whilst remaining licensed operators - as removing a license must remain a final sanction.

Consultation Questions

4.1 What are your views on whether there should be one or more redress schemes in postal services? Please explain your answer.

In the interests of certainty and cost savings there should only be one redress scheme.

4.2 Do you agree with the proposed criteria for Postcomm's approval of redress schemes? If you do not agree with one or more of the criteria, please state which ones and explain why.

TSI agrees with all the criteria especially the ability to publicise the adjudication.

4.3 Are any changes required to the wording of any of the criteria? Please explain any changes you would suggest.

No

4.4 What, if any, other criteria should be included for Postcomm's approval of redress schemes? Please explain.

TSI accepts the given criteria as appropriate as they must relate back to CEAR. However, mention has been made of the vulnerable consumer and as a consumer may be vulnerable due only to their lack of financial means, redress should be available for such consumers in appropriate cases.

4.5 Do you agree with the requirements to meet each criterion? Please explain any changes you suggest.

Yes

4.6 Do you agree with the requirements in relation to processes for vulnerable customers? Please explain any changes you suggest.

Yes

4.7 Are the criteria clear and understandable? If not, please suggest how clarity and ease of use could be improved.

TSI regards the stated criteria clear at present but expects a later review to accommodate any unforeseen circumstances.

TSI – March 2008
