**The Disputes Process**

The Citizens Advice Extra Help Unit is strongly committed to working with industry so that consumers receive the highest standards of service and to reduce the overall number of consumer complaints we receive. The complaint data that we produce is an important measure of the performance of companies. The primary objective of the dispute process is to ensure that this data is as robust, accurate and reliable as possible.

The formal Complaint Dispute Process enables companies to question, in appropriate cases, whether mistakes may have been made in the way a complaint was logged or handled. This includes whether the appropriate category code has been chosen, or if the case should be recorded as a complaint or enquiry.

This document is designed to explain the role of the disputes process and how it should be used by energy companies. The document also introduces a change to the process regarding self-disconnection cases that will take effect from 1st April 2017.

**Principles**

There are two important principles upon which the Complaints Dispute Process has been built.

**The dispute process must be completely invisible to consumers**

The dispute process must not detrimentally affect how a consumer’s complaint is handled. When a complaint is disputed, the complaint itself must continue to be investigated in a thorough and effective manner. Even if another company needs to take action to resolve a situation, we would expect the supplier contacted to address any points that are relevant to them. Companies must never involve the consumer in the process of gathering evidence for a dispute.

**Industry must ensure that there is no abuse of the dispute process**

In the interests of all parties, frivolous or unfounded challenges to consumer complaints will not be permitted. Any dispute arising over a complaint which lacks clear supporting evidence will not be considered by the Extra Help Unit. We will closely monitor company use of the dispute process and will not hesitate to deal with any abuses of the system.

**Why might it be appropriate to use the disputes process?**

There are a number of reasons why it may be appropriate to dispute how a case has been logged by the Extra Help Unit

**Customer contact**

Citizens Advice aims to develop confident and assertive consumers who know their rights and feel able to demand the services they expect from their energy companies. If a consumer has not contacted their supplier or given the company a reasonable opportunity to respond to the concerns they have raised, then the Extra Help Unit would log the case as an enquiry, rather than a complaint.

Should an energy company wish to dispute a complaint on this basis then clear evidence must be provided. Any evidence a company produces will need to remove any reasonable doubt that no prior contact has taken place, or how much time the company has had to deal with a situation. The Extra Help Unit will also take into account any information provided by the consumer when making a decision.

The final decision in all cases will rest with the Extra Help Unit.

**Categorisation**

The Extra Help Unit categorises its complaints based on the consumer’s information and the Caseworker’s view of the matter.

As a consumer organisation, it is vital that our complaint data reflects as closely as possible the consumer experience. Complaints are categorised at the initial point of contact with the consumer and our Caseworkers use their knowledge and experience to determine how this information can be accurately categorised.

To categorise information in any other way would be to distort the consumer experience. The disputes process allows companies to provide evidence that a case has been incorrectly categorised, so there is an opportunity for these to be corrected. A list of the categories used by Citizens Advice can be found by [clicking here](https://www.citizensadvice.org.uk/Global/Public/Policy%20research/Documents/Policy%20publications/Consumer%20Publications/recommended%20consumer%20codes%20technical%20document.pdf).

**Incorrectly Assigned Complaint**

If a company receives a case which has been incorrectly assigned to them, and should be assigned to another company, they should provide evidence to support this.

It is not enough for a company to say that they are no longer the supplier, if the complaint relates to a period when they did supply. However the Extra Help Unit will accept challenges where there is clear evidence that another company was at fault.

**Special Circumstances**

There are a couple of scenarios when a supplier may have taken all necessary steps to assist a consumer, and it would be unreasonable to penalise the supplier. The two situations are:

* Cases which involve meter tampering when it isn’t a consumer’s first offence
* Cases which involve discretionary credit being requested on 3 or more occasions during a 12 month period, and provided the energy supplier has given sufficient support to the consumer at the time of the previous requests\*

These are also the only two occasions when a priority case can be disputed, and the Extra Help Unit would require sufficient evidence to be made available to confirm that the case is eligible to be downgraded to an enquiry. A more detailed explanation of the criteria for disputing these cases is provided in the operating guidance below

**The Dispute Process – Operating Guidance**

The following information dictates how the Dispute Process works in practice. Please be aware of the following key points:

* The disputes proforma should be used in all instances and sent electronically to the Extra Help Unit using the following e-mail address: [complaints@ehu.org.uk](mailto:complaints@ehu.org.uk). A copy of the proforma can be found below.
* The disputes proforma must be received by the Extra Help Unit within five working days of the supplier receiving the complaint. Any disputes received outside this time scale will not be upheld under any circumstance. The disputes process is designed to ensure all energy companies are treated in a consistent manner, so no exceptions will be made.
* Priority complaints are excluded from the disputes process, due to the nature of these complaints. The only exceptions to this rule are outlined in the criteria below.
* At no time should formal or informal contact be made with Caseworkers in order to change complaint details covered by the disputes process.
* A team manager will respond to any disputes which have been received, this is to ensure that disputes are dealt with consistently and any necessary feedback can be provided to the Caseworker who logged the case. This will happen within 5 working days.
* A team manager’s decision should be considered as final. Cases should not be returned for a further review or discussion. Should there be a concern with how the Extra Help Unit has responded to a dispute, then this should only be disputed by the head of an energy company’s customer service department, to the Head of the Extra Help Unit who will review the case. This situation must only occur when a full review has been carried out within the company, and only in very rare circumstances.

**The Complaint Dispute Process**

Disputes will only be accepted on the following criteria.

* The complaint has been logged against the wrong company
* The company has not had a reasonable opportunity to resolve the matter
* The categorisation is incorrect
* The case is a repeat revenue protection issue. First offences cannot be disputed. Disputing a case of this type must not impact on how the case is handled.
* The complaint involves a third request for discretionary credit within a 12 month period. 1st or 2nd requests cannot be disputed.

In reviewing this, the EHU would consider whether the supplier has previously:

- considered the appropriateness of the prepayment meter

- reviewed the debt repayment rate to ensure it takes account of the consumers ability to pay

- provided any support or signposting for debt advice, Warm Home Discount, trust funds, energy efficiency advice etc.

Disputing a case of this type must not impact on how the case is handled.

**Timescales**

Complaint received by the Extra Help Unit, and complaint form sent to company.

**Day 1 – 5**

The Complaint is received by the energy company. Company checks complaint to ensure it doesn’t meet the above criteria.

If it does meet the criteria outlined in this document, a dispute should be sent to the Extra Help Unit on the proforma provided, and must enclose any evidence that the dispute relies upon.

This should be sent to the Extra Help Unit as soon as possible. If a dispute is not received within 5 working days of the case being sent to the energy company it will not be upheld.

**Day 5 – 10**

A Team Manager will check the evidence and respond to the company with a decision on either changing the complaint to an enquiry, or changing the category, within 5 days of receipt.

**Complaint Dispute Form**

|  |  |
| --- | --- |
| **Customer Details** | **Company Contact Details** |
| Customer Name: | Name |
| Customer Address: | Company |
| Postcode: | Date raised - |
|  | Contact Tel Number |

**Extra Help Unit complaint reference number:**

|  |
| --- |
|  |

**Please indicate reason for disputing the complaint:**

|  |
| --- |
| 1. The categorisation is incorrect. 2. The company has not had a reasonable opportunity to resolve the matter. 3. The complaint has been logged against the wrong company. 4. The complaint involves a further incidence of meter interference. 5. The complaint involves a third request for discretionary credit within a 12 month period   Please fully explain reason you are disputing the complaint and ensure that you attach relevant documents supporting the dispute. |

**Extra Help Unit Response**

**FROM (Team Manager’s Name)**

|  |
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|  |

**TO (Name)**

|  |
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|  |

**Response to your dispute, reasons and action taken:**

**Complaint stands/amended/withdrawn/assigned to another company**

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| --- |
|  |

**Date:**

|  |
| --- |
|  |