



## CAO Manual: Annex 3

### Guidelines for Communications Providers submitting a complaint to the Commitments Assurance Office

#### 1. INTRODUCTION

1. These guidelines explain how the Commitments Assurance Office (CAO) deals with complaints, including the process the CAO generally follows if a Communications Provider (CP) complains to the CAO about BT's compliance with the Commitments or the Governance Protocol (hereafter "the Commitments"), and how the CAO handles such complaints. The process set out in these guidelines is intended to support efficient and effective resolution of complaints for both the CP raising the issue and for BT.
2. The CAO's guidelines apply only to BT's compliance with the Commitments, not to BT's wider compliance and regulatory framework, or to BT's overall service levels. In relation to overall service levels, these should be raised with Openreach directly (in relation to its product set) or with the relevant downstream BT Customer Facing Unit (CFU): Consumer, Enterprise or Global.
3. Complaints about Openreach's compliance with the Commitments should in the first instance be addressed to Openreach's Commitments Monitoring Office (CMO) following the [CMO's guidelines](#).

#### 2. SUBMISSION CRITERIA

4. The CAO will acknowledge all complaints within 2 working days of receipt.
5. Each complaint starts with an enquiry phase to check it meets the CAO's submission criteria. These criteria are set out in Section 6 below. If necessary, the CAO may seek further information in respect of the complaint from the party raising the issue.
6. Having considered the complaint as received, the CAO will initiate investigations into a complaint where the complaint meets the following criteria:
  - a. The complaint is about compliance with the Commitments, the CP is able to identify both the specific Commitment or Commitments concerned and the nature of the compliance issue raised; and
  - b. A senior officer of the CP provides a statement supporting the complaint and confirming that the facts submitted are correct and complete to the best of their knowledge.
7. The submission guidance in Section 6 explains that a CAO investigation will generally be more effective if the CP:
  - a. Has attempted to resolve the issue with an appropriate BT manager;
  - b. Provides reasonable evidence in support of the complaint; and
  - c. Where appropriate, provides evidence on any impact of the alleged breach on their business (since this might assist the CAO and BTCC in assessing the materiality of the alleged breach).

### **3. THE CAO'S INITIAL ENQUIRY STAGE**

8. The CAO aims to complete the enquiry phase within 10 working days of acknowledging the complaint and tell the CP whether or not the CAO is opening an investigation.
9. When the CAO decides a complaint should not lead to an investigation, the CAO will explain its reasons to the CP and, in appropriate circumstances, suggest an alternative means of resolving the issue. For example, a concern about BT's regulatory compliance which falls outside the Commitments may be addressed to BT's Group Director, Regulatory Affairs.
10. While there is no "right of appeal" if the CAO does not open a full investigation, a CP can, of course, submit an amended complaint to include new relevant information not previously available to take account of the CAO's comments. The CAO hopes good engagement will avoid the need for an iterative process in practice.
11. If a CP is not satisfied with the CAO's complaints process, they can take their concerns to Ofcom. This can be at any point in the process, but the CAO anticipates Ofcom would expect to see alternative routes such as a good faith complaint to the CAO being used in the first instance.

### **4. UNDERTAKING AN INVESTIGATION**

12. Where the CAO decides that a complaint should lead to an investigation, it will review the issue and establish an indicative timetable for its investigation. The CAO will also provide an update to the CP at the end of the enquiry phase.
13. The CAO will aim to complete all investigations within 2 months of opening them but this may vary by case, and in complex investigations it could take longer. In such instances, the CAO will tell the CP if it is clear at the outset that the investigation will take longer or if it later believes it is not feasible to complete the investigation within 2 months.
14. The CAO will keep the CP informed about the progress of the complaint on a regular basis.

### **5. THE OUTCOME OF AN INVESTIGATION**

15. The CAO will report its conclusions at the end of an investigation to the BTCC, and once the BTCC has decided the matter, the CAO will report back to the CP on the action, if any, taken by the BTCC as a result of the complaint.
16. There are a range of possible outcomes to complaints brought to the CAO, including:
  - a. The BTCC concludes there are no grounds for action arising from the complaint, since the Commitments are being delivered by BT as required;
  - b. The BTCC concludes that there are no grounds for action since BT has already taken remedial action in response to the CP's complaint;
  - c. The BTCC concludes that although BT is complying with the Commitments, it has recommended that BT provide clearer advice to BT people about a particular issue arising from the Commitments or if it has concerns about the culture and behaviors of BT people; and
  - d. The BTCC decides there has been a breach of the Commitments, and it recommends remedial action to BT to ensure compliance with the Commitments.

17. The BTCC (via the CAO) notifies Ofcom of a finding that there has been a breach of the Commitments or a non-conformance with policy intended to support delivery of the Commitments, even if remedial action has been successfully implemented by BT. The BTCC also notifies the Openreach Board, Audit, Risk & Compliance Committee if it determines that these matters relate to Openreach.

## **6. FORMAT FOR SUBMITTING A COMPLAINT TO THE CAO**

18. Complaints should be submitted in writing to:

Commitments Assurance Director  
British Telecommunications plc  
pp A9, BT Centre  
81 Newgate Street  
London EC1A 7AJ

Or via email to [cao@bt.com](mailto:cao@bt.com).

19. The Commitments Assurance Director can also provide informal advice on how to submit a complaint to the CAO, or on which alternative complaints procedures may be available if the CAO is not an appropriate route.
20. The CAO will inform the relevant part(s) of BT of the complaint, and will share the complaint with appropriate senior managers to those areas. If the complaint contains confidential information, the CP should provide a separate non-confidential version of the complaint. The CAO does not conduct anonymous “below the line” investigations.
21. Unless the CP specifically requests otherwise, the CAO will inform BT of the business name of the CP. In some cases a CP may wish to remain anonymous (for example, where they feel disclosure might prejudice ongoing commercial relations). The CAO will respect this but CPs must recognise that maintaining anonymity might hinder the effectiveness of the investigation, or in some cases prevent it from taking place.
22. A submission must contain the following:
- a. A summary of the complaint.
  - b. Details of which parts of BT Group are relevant to the complaint.
  - c. Details of the third party’s relationship with BT Group.
  - d. A contact name of the manager within the CP with whom the CAO should liaise in respect of the complaint; and
  - e. A statement signed by a senior officer of the CP supporting the complaint and confirming that the facts submitted are correct and complete to the best of their knowledge.
23. The investigation of a complaint will be significantly assisted if the CP is able to provide additional information along the following lines:
- a. Confirmation of the BT service, product or process concerned, with particular reference to the specific section(s) in the Commitments.
  - b. An explanation of the reasons for the complaint and any evidence in support.
  - c. Evidence of good faith in attempts to resolve the complaint with a relevant BT manager.
  - d. Whether and how the issue has affected their business.
  - e. Any solution which the CP wishes to propose for addressing the complaint.