

Caring for our Customers in private hearing care

1. Developing a Consumer Code for the future

The British Society of Hearing Aid Audiologists (BSHAA) and the Association of Independent Hearing Healthcare Professionals (AIHHP), together with companies in the sector, recognise the need to demonstrate self-regulation and good standards of customer care following the abolition in 2009 of the Hearing Aid Council with its specific consumer regulations.

We are planning to develop and participate in a voluntary Consumer Code, approved by the Office of Fair Trading, which will give customers benefits beyond the protection afforded by law.

The aim of the Consumer Code Approval Scheme is to put the “self” back into self-regulation.

We recognise that adopting and delivering consistent standards, procedures and expectations across our sector will give our customers the confidence in our service which is critical to our profession and to our businesses as we go into the future.

2. Addressing customer concerns now

2.1 We also recognise that early adoption of a user-friendly procedure for resolving complaints, and the application of the good customer care practice in line with, but in advance of, full participation in a Consumer Code, will help and benefit customers now.

It will deal proactively with any concerns customers have about the service they have received.

It will give customers assurance that they will continue to receive good standards of care throughout the period of transition between regulatory regimes.

It should address, resolve and ultimately reduce the number of complaints which need to be formally considered by the Hearing Aid Council.

It will give companies and their staff the impetus to adopt and undertake training in new customer care practice.

It will send a strong signal that we - businesses in the sector, and professional practitioners - are rising to the challenge. We are seizing the opportunities to ensure effective self-regulation of private hearing care services.

2.2 Any size of company and sole traders will be able to benefit from participating in complaints resolution now and, in future, a Consumer Code.

The term “participating company” is used inclusively throughout this guidance.

3. Resolving complaints

3.1 The procedure and good practice for resolving complaints is based on the principles in the Consumer Code, and is as far as possible compliant with Code guidance and the requirements of the Office of Fair Trading.

3.2 This requires all participating companies to have:

- A speedy, responsive, accessible and user-friendly procedure for consumer complaints.
- A specific reasonable time limit for responding to complaints.
- A requirement that participating companies co-operate with local consumer advisers or any other intermediary acting on behalf of a consumer when making a complaint.

- A conciliation service directed at arranging a decision acceptable to both parties.
- A low-cost, speedy, responsive, accessible and user-friendly independent redress scheme to resolve customer complaints which are not resolved by conciliation . Decisions from such a scheme are binding on participating companies.

4 Complaints handling procedure

4.1 Participating companies will have a speedy, responsive and user friendly procedure for the resolution of complaints, i.e. any expression of dissatisfaction regarding the product and / or service supplied.

Participating companies will normally expect to respond to complaints within 5 working days of receipt and aim to resolve complaints within 20 working days.

4.2 Customers will be informed how to make a complaint; to whom within the company they should address their complaint; what information they are required to provide; and the timescales that will apply to dealing with the complaint.

Procedures for dealing with customer complaints will have no more than

- 3 levels of management within large companies and 2 for medium, which includes the opportunity for the complaint to be considered by someone other than the original decision maker and for ownership of the complaints process at the top of the organisation;

- 1 level for self-employed.

4.3 The customer will be informed by the company that should the complaint not be resolved to the satisfaction of the customer, they have the right to contact the Conciliation Officer at BSHAA, who will follow the procedure outlined later in this document for conciliation and, if need be, in order to access independent redress.

4.4 Participating companies will offer maximum co-operation with consumer advisers or any other intermediary consulted by the consumer, such as a Citizens Advice Bureau, or Trading Standards Officer.

4.5 Participating companies will ensure that staff are trained in customer care.

Annex A is a typical operational back up process which would help achieve good client information and care standards

BSHAA will facilitate access to customer care training as a necessary part of a member's continuing professional development.

Dealing positively with customer complaints benefits all parties

4.6 Participating companies will ensure that all complaints are logged and a step by step log of progress on the complaint is kept and can be made available to the conciliation or independent redress service if required. Likewise a log of all communications and copies of all correspondence relating to the complaint will be kept and made available if required.

5 Informing Customers

5.1 Participating companies will produce a 'How to complain' leaflet, using the **good practice standards for client information. (Annex B)**; use it to ensure that each

customer is fully informed about how to raise any concerns and if necessary, register any complaint about the service; at every stage from point of sale, through pre-contract to contract and into after care.

Annex C&D give examples of small and large company leaflets.

A leaflet example for a sole trader is on the BSHAA website

5.2 The danger of implying that we expect to disappoint people is recognised, and so the leaflet should be phrased to give confidence not concern.

The requirements, whilst meeting code compliance, are deliberately as general as possible thereby requiring participants to tailor their own procedures in line with their capabilities and resources. This approach is designed to maximize and maintain willing participation from the industry.

5.3 A key objective for the introduction of a new complaints resolution procedure now is to reinforce good, consistent customer care practice within the industry. The leaflet will be able to be adjusted to reflect the size of the company and its structure for handling complaints, and to complement in-house documentation, design styles and brand/logos.

5.4 All leaflets must also carry the BSHAA logo. Leaflets should be in plain language and should be made available in large print where required.

5.5 Guidance for customers on complaints, including using the conciliation and independent redress services if necessary, will be on the BSHAA website, and will be available in a format suitable for hearing impaired users.

5.6 The BSHAA CEO will validate, and the Conciliation Office will hold, a copy of each participating company's leaflet, their complaints management policy and a named contact point for complaints within the company.

6 BSHAA Conciliation service

6.1 BSHAA will provide, at no cost to either party, a conciliation service with the aim of resolving the complaint in a manner acceptable to both parties.

6.2. On receipt of any new complaint, the Conciliation Office will confirm the status of the customer and complaint with the company contact in order to ensure that in-company resolution procedures have been exhausted and if not, refer the customer back to the company.

6.3 The Conciliation Office will seek pro forma information from the complainant on the nature of the complaint; and a pro forma report from the company, including the customer's documentation, within 5 working days.

6.4 The Conciliation Office will allocate the complaint to one of a panel of trained conciliators, who will seek to facilitate resolution within 15 days of receipt of the customer's request for conciliation.

6.5 The company will make available to the conciliator any further information, documentation or access to personnel, which they deem necessary to facilitate successful conciliation.

6.6 The conciliator may access, via BSHAA, any specialist advice which they deem necessary to facilitate successful conciliation.

6.7 Conciliation is aiming to resolve the matter in a manner acceptable to both parties. It is not an investigation.

Should the Conciliator receive information pointing to a potential responsibility for the company to “whistle blow” within the Hearing Aid Council’s guidance on serious matters of employer or dispenser fitness, such information would be immediately referred back to the company for investigation.

Should the conciliator receive information pointing to a potential breach of **BSHAA Codes of Practice** by a member of the Society, such information would be referred to the CEO to institute any investigation, which would be entirely separate from, and not affecting or delaying conciliation. **(Annex E)**

6.8 If the complaint is not resolved by conciliation, the customer will be offered access to independent redress via arbitration. The customer has the right to forego arbitration and pursue other legal avenues of redress, but at the risk that failure to take up the offer of arbitration could seriously prejudice their chances of redress through the courts.

7 Independent Arbitration

7.1 Where referral to the Independent Arbitrator is chosen, an Arbitrator will be appointed, via BSHAA Conciliation Office, at no cost to the complainant. The company will meet the costs of arbitration, including any penalties awarded. The objective of the Arbitrator is to arrive at a conclusion that is fair and reasonable in the circumstances, looking at all the evidence presented by both parties. The Arbitrator is an individual who is completely independent from BSHAA and from the industry.

7.2 The Conciliation Officer will pass all the evidence gathered, including copies of all correspondence between the parties and BSHAA, to the Independent Arbitrator within five working days. At this juncture, either party may make direct representation of further evidence to the Arbitrator.

7.3 Independent technical expertise will be called upon by the Arbitrator for input as and when this should prove necessary. If the Arbitrator needs further information, this will be requested within seven working days. Normally, the Arbitrator will reach a conclusion within fifteen working days of receipt of the evidence. (If further evidence is presented by either party, this may prolong proceedings.)

7.4 The Arbitrator’s findings (which may, for example, be that the company is not at fault or that the customer has a valid complaint) will be issued in writing and will give a summary of the facts, the conclusions and reasons for reaching them. The Arbitrator’s decision is binding on participating companies

7.5 Where a participating company is found to be at fault, the Independent Arbitrator may require them to do one or more of the following, depending on the circumstances:

- repay all money paid by the complainant
- replace or repair the product without charge
- pay any costs incurred by BSHAA and/or the Independent Arbitrator for technical advice or testing
- take all reasonable steps, including any specified actions, to prevent a recurrence
- pay compensation to the complainant (the amount to be decided by the Arbitrator based on the evidence and circumstances of the breach)

7.6 Each of the above should occur within 30 days of receipt of the Arbitrator's decision, with the exception of specified actions to prevent a recurrence. For these, time limits will be determined on a case by case basis.

Annex A Complaints' resolution – Operational back up

A typical operational back up process, which would help to achieve good client information and care standards, would include

- Nomination of a complaints administrator and identify his accountability in his Company's complaint procedure
- Ensure staff understand the procedure and it is published
- Acknowledgement letters are produced
- Communication sheet/report is produced for detail of all customer conversations/meetings to be recorded
- Complaint form produced to record all details of the complaint
- Action report produced to achieve resolution and appropriate people instructed
- Customer outcome letter produced
- Customer questionnaire produced seeking feedback on the process handling

Some will want more in the back up procedures, some will want less but as long as compliance is achieved from a robust complaints' procedure and all code participants are being seen to treat complaints seriously and fairly then we can not be expected to do any more.

Dependent on how far individual organisations want to take this it is very possible to present the complaints process as a positive customer experience by seeking feedback and by training staff on complaint handling with e.g. the following points as key:-

- General training on handling customer complaints in a positive manner
- Retaining composure in difficult situations
- Managing challenging behaviour
- Legal considerations
- Giving and receiving support

ANNEX B Client information: good practice standards

1. Comply with disability discrimination legislation. At minimum leaflets should be in plain language and should be available in large print where required.
2. Specify the person to whom a complaint should initially be made (a mailing address is the minimum contact information to be given.) It is good practice to give the choice of contact methods (e.g. email and letter)
3. Request that the customer makes a written complaint and give guidance on the information this should contain (e.g. contact details for a reply, date and time of hearing test, RHAD name, and explanation of the nature of the complaint)
BSHAA will aim to produce a standard form to help customers.
4. Give an undertaking to acknowledge an initial complaint in a given period (normally 5 working days)
5. Give an undertaking to investigate the complaint and to provide a detailed response with an explanation within a given period (normally 20 working days)
6. Specify the person(s) to whom a complaint should be made if the response is not forthcoming within the agreed timeframe or if the response does not satisfy the client (a mailing address is the minimum contact information to be given) It is good practice to give a choice of contact methods (e.g. email, fax, letter)
7. Advise the client of their rights to contact the Conciliation Officer at BSHAA if they are not satisfied with the response, the role of the Conciliation Officer and the right to ask for Independent arbitration if the matter is not resolved at the Conciliation stage.
8. Give the contact address for the Conciliation Officer at BSHAA and the Hearing Aid Council
9. Advise the patient of their right to contact the Citizen's Advice Bureau for further guidance.
10. State the requirement for the company to respect client confidentiality and legislation regarding disclosure of personal information. Advise the type of authority from the client that is required if the complainant is acting on someone else's behalf.

We want our services to be excellent but we know things may go wrong.

If they do, we want you to tell us.

If you want to complain

In the first instance

Please contact your Registered Hearing Aid Dispenser or Hearing Centre; they will wish to hear from you and to do what they can to resolve any problem. If you're not sure whom to contact, we can tell you. Just phone us or email us as detailed below.

However, if you feel your complaint has not been resolved or handled satisfactorily you can make a formal complaint.

Here's what to do.....

Step 1

You can make a formal complaint to us by completing a complaints' form online. You can also write a letter or telephone or you can email us using the contact us box at the right. Alternatively, we can post you a copy of the form.

Tell us what happened

We need to know from you:

- Your name, address and telephone number
- Information about what went wrong and when and where it happened.

We will let you know we have received your complaint within 5 working days of receiving your complaint.

We will investigate your complaint and you will receive a response and/or explanation as soon as possible, no later than 20 working days after we receive it.

Step 2

If you feel that your complaint still has not been resolved you can contact the Conciliation Officer at the British Society of Hearing Aid Audiologists (BSHAA) who will endeavour to resolve it through conciliation in a manner acceptable to you..

Step 3

If you are not happy at that point, you may seek the assistance of the Independent Arbitrator appointed by BSHAA. You are not bound to accept the findings of the Independent Arbitrator.

The above process is designed to offer a comprehensive process for finding a positive outcome to your complaint.

Who else could help me?

You may contact the Hearing Aid Council; the Council's duties include ensuring adequate standards in dispensers' conduct and competence. The address is 70 St Mary Axe, London EC3A 8BE.

You are, of course, free at any time to instruct a solicitor and proceed through the courts but you should note that this may exclude you from using BSHAA's services.

You may seek the assistance of the Citizens' Advice Bureau tel - _____

British Society of Hearing Aid Audiologists

6th Floor, Remo House,
310-312 Regent Street
London
W1B 3BS
secretary@bshaa.com
01371 876623

Your Hearing aid supplier

Ewrferrf
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Rf

ANNEX D

How to complain

Large company leaflet

We want our services to be excellent but we know things may go wrong.

If they do, we want you to tell us.

If you want to complain

In the first instance

Please contact your Hearing Aid Dispenser or Hearing Centre; they will wish to hear from you and to do what they can to resolve any problem. If you're not sure whom to contact, we can tell you. Just phone us or email us as detailed below.

However, if you feel your complaint has not been resolved or handled satisfactorily, you can make a formal complaint.

Here's what to do.....

Step 1

You can make a formal complaint to our Customer Service department by completing a complaint form online. You can also write a letter or telephone or you can email us using the contact us box on the right hand side of this form. Alternatively, we can post you a copy of the form.

Tell us what happened

We need to know from you:

- Your name, address and telephone number
- Information about what went wrong and when and where it happened.

We will let you know we have received your complaint within 5 working days of receiving your complaint.

We will investigate your complaint and you will receive a response and/or explanation as soon as possible, no later than 20 working days after we receive it.

Step 2

If you are still not happy with the explanation you receive, you may appeal to the Managing Director. Your appeal will be dealt with as soon as possible, taking no more than 20 working days from the date you contact us.

Step 3

If you feel that we have not given you a satisfactory explanation you can contact the Conciliation Officer at the British Society of Hearing Aid Audiologists (BSHAA) who will endeavour to resolve the problem.

Step 4

If you are not happy at that point you may seek the assistance of the Independent Arbitrator appointed by BSHAA, you are not bound to accept the findings of the Independent Arbitrator.

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Your Hearing aid supplier

Ewrferrf
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3r4f3
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ANNEX E

BSHAA Code of Practice Responsibility to the Client

The prime responsibility is to act at all times in the best interests of the client:

- Give hearing advice based on improving the client's quality of life, and take every step necessary to satisfy the client's hearing needs.
- Respect client confidentiality
- Effectively discharge a duty of care to the client, when supplying advice and/or equipment for improving hearing
- Make clear all financial consequences before the client becomes committed, and comply with all Consumer Protection and Financial Services Regulations.
- Make appropriate provision for prompt repair of instruments, and rehabilitative support for the client
- Attend to client's need for help and advice within a reasonable period of time.
- Provide easy access by telephone /fax or email for clients, and reply to communications promptly
- Honour terms of guarantees, trials, and money back arrangements