

# BSHAA

## Customer Care Scheme

### Annual Report 2016-17





# Contents

- 4** Summary
- 6** How we dealt with the complaints
- 12** Lessons Learnt
- 13** Measuring success

## Summary

It is very pleasing that out of the 300,000 units of hearing aids sold in the UK there were only 37 complaints to BSHAA.

Whilst we should not be complacent, it seems that audiologists are dealing with complaints themselves as BSHAA only get involved when the company reaches stalemate with the client.

Due to the successful introduction last year of enrolling all BSHAA members it means that clients of 1200 audiologists have access to a free of charge conciliation scheme. This has to be good news for members of the public and reinforces the “buy with confidence” ethos of BSHAA members.

BSHAA have changed the format of the Annual Report. More detail has been included about cases and a paragraph about lessons that can be learnt, to assist members in improving customer care generally (page 12).

It is encouraging that Citizens Advice Bureau, Trading Standards Institute, the HCPC and Action on Hearing Loss have continued support of BSHAA's conciliation scheme. The CAB and TSI have referred cases to BSHAA and/or we have liaised with them.

The Customer Care Committee has produced a booklet entitled *Consumer Guide to Better Hearing*. The booklet explains all there is to know about hearing and what to do about seeking help. We encourage members to use this for their clients. A PDF can be downloaded from the member section of the BSHAA website and printed.



## How we dealt with complaints

**Of the 37 complaints, three were not progressed by the client after initial contact with BSHAA. Two complaints are in progress at the year-end. The remaining 32 complaints were resolved as follows:**

### No valid case

There were three cases where the client did not have a valid complaint:

- The company adjusted the aids and the complainant confirmed to BSHAA that they were now happy with the aids.
- The client complained that the price of the aids purchased were 50% cheaper 12 months after date of purchase. BSHAA does not get involved in pricing and it was explained to the client that similar pricing considerations apply to hearing aids in the same way as other products.
- The client claimed that they paid an excessive price. As BSHAA does not get involved in pricing this was not a valid customer complaint.

### Company in Administration

- One complaint concerned a company that had gone into administration. BSHAA managed to find an alternative dispenser to look after the client.

### Settled outside of the Customer Care Scheme

Four cases were settled outside of the BSHAA Customer Care Scheme.

- After sending a complaint form the complainant advised that the issue had been settled.
- A client had a stroke and moved into a nursing home where the carers could not insert the ITE aids. The manufacturer offered to replace these aids with BTEs, free of charge, so that it made it easier for the carers to handle.
- A complaint form was received then the complainant advised that they had received a full refund
- A complaint was in respect of the supply of an NHS aid, which the BSHAA Customer Care Scheme cannot deal with.

## Unable to contact the audiologist

One complainant could not contact the audiologist. BSHAA managed to assist the client and put them in touch with the audiologist.

## Refund issues

By far the largest number of complaints was in respect of refund requests, as you would expect. Twenty-two such cases were investigated. These are summarised below:

- The client died and the widow claimed that her husband was never happy with the aids, they were very rarely worn, 50% of the money was taken from her account, they were unsightly and his judgement was impaired. This case was sent to BSHAA by Trading Standards to deal with and they received the complaint via her MP. The client had a 3 month trial period and did not request a refund. There was no evidence of dissatisfaction or impairment. Trading Standards supported BSHAA's findings of no case for a refund.
- Aids fitted April 2015 and exchanged in July 2015. There was no formal refund requested until March 2016. The T & Cs were not in accordance with the Consumer Regulations for sales in the home. i.e. the client was not given 14 days cancellation period after delivery of the goods and there was no cancellation slip. The client therefore had up to a year to cancel and a full refund was given. Had the T & Cs been correct it would likely have resulted in no refund being recommended.
- The client complained of poor battery life and he was not given a remote control as per the literature. The complaint was received 3 months after the end of the 60-day trial period. BSHAA concluded that battery life would have been apparent during the trial period so BSHAA did not support the case for a refund. The literature however was not clear and could have been interpreted that the remote control was part of the package. BSHAA considered that one should have been supplied. The audiologist however offered the client the option of an exchange to a larger aid that took bigger batteries or to keep the current aids and supply a number of free batteries.
- The client's aids were fitted July 2014; he had many issues with the aids but did not write to the company until April 2016. The company agreed that their service was not up to their normal standard. They refitted the aids and gave a complimentary 1-year warranty. The customer was satisfied and no refund was paid.

- The complainant generally reported very poor follow up and service and wanted a refund. BSHAA spoke to the client and company. The company made an appointment to adjust the aids. We have assumed this was satisfactory as we asked the client to get back to us if there were still issues and they have not made contact. No refund was therefore given.
- A refund was requested 2.5 years after original fitting as the client alleged they never worked properly and an offer to exchange the aids did not take place. The client wanted an ITE but a BTE would have given a better outcome. The company offered a BTE in exchange but the client would not accept this. A claim so long after the original fitting would not normally warrant a refund. However, there was nothing in the notes evidencing that the outcomes of an ITE aid and a BTE were discussed nor any recommendation by the audiologist that a BTE would be the better option. If it is not recorded, “it didn’t happen”. A 75% refund was negotiated to take into account the length of time the client had use of the aids. Had the records recorded the discussions on types of aid a refund would not have been recommended.
- The client complained that they had to have many adjustments and that their aids never worked properly. The company agreed a 100% refund prior to BSHAA reviewing the documentation.
- The client requested a refund. The client was first fitted in October 2015. The audiologist recommended (as evidenced in the notes) that a BTE would be more suitable than a CIC however the client insisted on a CIC. The audiologist made a goodwill gesture of providing 90 days trial period, which ended in January 2016. In January 2016 a complementary upgrade was provided and the client reported a good outcome. Two further sets of aids were provided for a trial. Despite a good outcome on the last set of aids fitted May 2016, the client wanted to trial another manufacturer’s aids. The audiologist explained that the refund option was no longer available. The client tried to claim that after each replacement set of aids a new contract was entered into. BSHAA did not uphold the refund request because the refund request was 6 months after the end of the trial period; the audiologist had gone that “extra mile” in allowing the trial of so many aids and the downside of the CIC fitting had been explained.
- BSHAA received a refund request three years after fitting due to the aids needing repair; also, they had been poor quality from day 1, as many visits were required. All the issues were related to the aids not being properly maintained by the client and it was well outside the refund period. BSHAA did not uphold the refund request.

- The client claimed (amongst other things) that; the retirement of the audiologist resulted in a lack of duty of care and the aids were not fit for purpose due to dexterity problems. The client had a 51-day trial period. If, having continuity with the audiologist was important the client was aware of the retirement within the trial period – they could have cancelled. Similarly, if dexterity was an issue this would have been apparent during the trial period. The claim for a refund was not upheld for the above reasons and it was 6 months after the end of the trial period.
- The client wanted a refund because they felt they did not need aids; it was very difficult getting appointments; there was poor aftercare; insufficient trial period and poor battery life. Although the request was well after the end of the trial period it was a sale in the home and the T & Cs did not comply with the Regulations for this type of sale. A refund was agreed with the company, who have since changed their T & Cs. Had the T & Cs been correct no refund would have been recommended.
- The client complained of poor audio quality, the aids were uncomfortable and there was a very poor response when problems were reported to the dispenser. Although the complaint was received 2 weeks after the end of the trial period, the company acknowledged that their level of service had been poor and they agreed a 100% refund.
- The client asked for a full refund because they claimed: the first set of aids were totally inappropriate; the second set of aids did not improve performance; service was poor and turnaround on repairs was very slow. BSHAA found that there was no basis to uphold a refund request, as there was a very generous trial period. However, the company acted very generously and agreed a 100% refund and allowed the client to keep the aids for 6 months while they found an alternative audiologist.
- The client complained that the aids were no good and wanted a refund. BSHAA advised the company that they had received this request and the dispenser immediately agreed a 100% refund.
- The client complained that the aids were fitted in July 2014 and they had to wait from March 2015 to August 2015 for new ear moulds. In September 2015, the audiologist agreed a refund for return of the aids; the client did not receive the refund. The company paid the refund after BSHAA contacted them.

- One month after the end of a generous trial period, the client asked for a refund. BSHAA found no fault with the service or advice the company had provided and did not recommend a refund. The company however felt that their relationship with the client had broken down and it would be difficult to carry on servicing the client. The company agreed an 85% refund, which was accepted by the client.
- After one year of use, the client claimed that the aids, which initially worked, stopped working on a number of occasions and they wanted a refund. The first breakdown was a result of product failure, which was repaired satisfactorily. Subsequent breakdowns were due to poor client maintenance. BSHAA found that there was no case for a refund. The client however did not want to carry on with the dispenser so the audiologist found an alternative company to take over their care at no charge to the client.
- The complainant contacted BSHAA that they wanted a refund, as the aids were not working satisfactorily. BSHAA e-mailed the company to advise that we had received a complaint and before the complaint form was signed and processed the company refunded in full.
- The audiologist contacted BSHAA, as the client could not visit for aftercare as he lived too far away. The company arranged provision for aftercare nearer to the clients home, however they decided they did not wish to carry on providing this. The audiologist agreed a partial refund to the client prior to the client escalating the matter to BSHAA.
- A client asked for a refund in February 2017 in respect of aids originally purchased in 2014. The original aids had been exchanged within the trial period. The client then exchanged a further four sets of aids – each one within successive trial periods. In February 2015, the client requested a refund or another pair of aids. The audiologist offered a sixth pair of aids in March 2015, the client was not happy and requested a refund again. The client wrote to the HCPC in addition to BSHAA. The HCPC accepted BSHAA's finding that the refund request was not a valid complaint and no refund was given.
- A client asked for a refund a year after fitting. This client had very poor residual hearing and any hearing aid would only provide a marginal benefit, even though the client was fitted with the best solution for the hearing loss. The client felt that the gain was not worth the cost. The client had a long trial period in which to assess the benefit and was not due a refund; however, the company agreed a goodwill gesture of a 20% refund and a free accessory.

- A client had received a partial refund and they wanted 100% refunded. BSHAA advised the company that their T & Cs did not comply with the Regulations for sales in the home. As the correct cancellation period and a cancellation slip were not provided the client was entitled to 100% of the amount paid. The company refunded the balance.

### Customer drops complaint

There were three cases where the client dropped their complaint after contacting BSHAA

- Two Complainants did not return the complaint form
- Granddaughter e-mailed with a complaint but never followed it up.

### Non-professional behaviour

Client reported unprofessional behaviour and they did not like the company's attitude. They visited five branches of a company and had four hearing tests. At the first visit, aids were purchased but subsequently refunded because the company would not offer any meaningful discounts. The audiologist at the fifth branch referred the client to their GP. The client alleged that the other audiologists were negligent, as they did not refer. This was not a Customer Care issue (as no aids had been purchased) however BSHAA agreed to review the audiograms to see if the other audiologists should have referred the client resulting in professional practice issues. None of the audiograms indicated that a referral was necessary. The last audiologist was just being cautious. The complaint was not upheld.

## Lessons learnt

The cases have highlighted certain areas where companies could improve their customer care in the future. Had T & Cs been in order and there had been better recording of events four refunds or partial refunds would not have been recommended by BSHAA. The lessons learnt are summarised as follows:

- Manage expectations better. Especially when clients have very poor residual hearing and any gain will only be marginal.
- Manage trial periods, so that if a client is having problems either extend the trial period in writing, or remind them about the trial period end date. Avoid keep assuring the client that the issues will be sorted out such that it becomes a rolling trial period and too late for the client to get a refund.
- Make sure the T & Cs are in accordance with current legislation. There is a lot of information on the members' section of the BSHAA website with template T & Cs that have been vetted by Trading Standards.
- Record, Record, Record! If clients insist on a certain model of aid but the audiologist feels that a different type of aid will give a better outcome record this conversation in the client notes. It is prudent to follow this up with a confirmation to the client. This action avoids the client claiming that they were not advised when they were.
- If aids have to be returned repeatedly to the manufacturer for service repairs due to wax/poor client hygiene tell the client the reason for the repair and counsel them on how to clean them. It always looks professional to have a separate leaflet outlining how to clean the various types of aids. Record that you have had this conversation and if you have handed the client a leaflet.
- Audiologists can make their own minds up about lessons learnt in the cases where two different companies allowed numerous sets of aids to be trialled!

## Measuring success

BSHAA received eight fewer complaints compared to last year. However, they have been more complex and required more time to conduct the review. Companies are developing their own in-house resolution processes and are dealing with the more straightforward cases, which is where they should be resolved.

The scheme received nine feedback forms from clients. As per the trend in recent years, clients who received what they wanted usually gave a positive feedback and the two that did not get what they asked for gave a more negative feedback.

Comments on the forms were:

- BSHAA worked wonders, first class communication and an excellent result.
- Our expectations were more than met. Without your help we would not have received any payment from the audiologist who was flatly refusing to negotiate.
- All hearing aid users should know about BSHAA.
- I thought BSHAA were a bit biased. I didn't agree with the comment that the company had a generous refund period considering I didn't get the aids until a week after paying and it takes time to adjust to the aids. The aids have never been right and I don't think a goodwill gesture is the right wording.

*(The complainant had 30 days trial but was confused about when it started. Even though the refund was requested after the end of the trial period the company did give a 100% refund)*

- BSHAA failed to see the main point. I paid £1700 to improve my hearing after trying five different aids there was little or no improvement in my hearing. Sadly, I was taken ill and it was after the end of the trial period so they refused to refund the money paid. Your organisation thinks this is all right.

*(The aids were originally fitted in 2014, after five exchanges of aids the client asked for a refund in February 2017, nearly 3 years after the original fitting)*

- I found their report in parts to be rude and dismissive.
- (This case was where the exchanged aid was still not providing performance. The refund was asked for some four months after a very generous trial period. The company still gave a 100% refund and allowed the client to keep the aids for six months while they purchased another set of aids elsewhere)*

Table 1. Feedback on Scheme administration from clients who were happy

	Poor	OK	Good	Excellent
How did we respond to your complaint?			1	6
Did we keep you informed?		1		6
How courteous were we?			1	6
How helpful were our letters?		1		6
Company response	1	3	1	1

*7 customers returned feedback forms*

Table 2. Feedback on Scheme administration where complaints not upheld

	Poor	OK	Good	Excellent
How did we respond to your complaint?		2		
Did we keep you informed?		2		
How courteous were we?	1	1		
How helpful were our letters?		2		
Company response		1	1	

*2 customers returned feedback forms*

## Customer Care Scheme complaints 2011/12 to 2016/17

	2011/12	note	2012/13	note	2013/14	note	2014/15	note	2015/16	2016/17
Total number of complainants	38		34		27		42		45	37
Number of complaints not progressed	7		1		3		6		5	3
<b>Resulting number of cases investigated</b>	<b>31</b>		<b>33</b>		<b>24</b>		<b>36</b>		<b>40</b>	<b>34</b>
Number of complainants deemed to have no valid case	9		8		8		8		15	3
Number of complaints re 'company in administration'	2	1	7	3	0		0		2	1
Number of complaints settled outside CCS	2		2		1		0		1	4
<b>Resulting number of complaints for conciliation</b>	<b>18</b>		<b>16</b>		<b>15</b>		<b>28</b>		<b>22</b>	<b>26</b>
Unable to contact company	5	2	5	4	3		9	5	2	1
Refund issues	10		6		11		16		15	22
Non-Professional behaviour	0		3		0		0		0	1
Poor service/administration	2		2		1		3		0	0
Product failure	1		0		0		0		3	0
Complaints outstanding (current year only)	0		0		0		0		0	2
Companies involved in total number of complaints	17		15		15		18		18	18
– Companies with multiple cases	8		6		5		6		8	7
Cases referred to the HCPC	2		0		0		2		0	0
Cases leading to Scheme sanctions	1		0		0		0		0	0
Cases resulting in a BSHAA disciplinary hearing	0		1		0		1		0	0
BSHAA members	1072		1126		1126		1112		1173	1191
BSHAA members in CCS	789		804		730		848		1173	1191
HCPC registrants	1722		1724		1994		2133		2457	2593
Percentage of HCPC registered audiologists in CCS	46%		47%		37%		34%		48%	46%

## Notes

1. Same company as previous year – 2 complainants wanted help
2. 5 complaints against 3 companies
3. 1 Member company – 7 complainants wanting help
4. 5 complaints against 1 company – owner emigrated
5. 9 complaints against 1 company

