



BSHAA
Customer Care Scheme
Annual Report 2017-18



Care • Support • Advocate

Contents

4	Summary
6	How we dealt with the complaints
12	Lessons Learnt
13	Measuring success
14	Table 1. Feedback on Scheme administration
15	Customer Care Scheme complaints 2012/13 to 2017/18



Summary

In the UK, around 300,000 hearing aids are sold each year: – roughly one sixth of all those fitted. Legislation in the UK requires all those who fit and sell hearing aids to be registered with the Health and Care Professions Council (HCPC). These qualified audiologists are subject to more stringent regulation than their counterparts who practise in the NHS. BSHAA is the professional body that works closely with the HCPC to ensure that our members maintain the highest standard of professional practice, and are able to keep in touch with important new developments and understanding about the world of hearing care.

There is growing evidence that the benefit received from wearing hearing aids is strongly linked to the level of trust established between an individual and their audiologist, and independent research by Which? and others shows that the highest levels of satisfaction are reported by those who purchase their hearing aids independently.

BSHAA is committed to ensuring that our members continue to provide these high levels of care. Our Customer Care Scheme underpins that commitment by providing a complaint management service when problems have not been able to be resolved directly with the audiologist concerned.

It is testimony to our members' own commitment to delivering high quality care that the sale of 300 000 hearing aids only gave rise to 42 complaints that could not be resolved locally. This small number of complaints BSHAA received has proved the “buy with confidence” ethos of BSHAA members. BSHAA continues to enrol automatically its 1350 members into the Customer Care Scheme.

The Citizens Advice Bureau, Trading Standards Institute, the Health and Care Professions Council and Action on Hearing Loss have continued their support of BSHAA's conciliation scheme. It is rewarding that The Trading Standards Institute had the confidence to refer a complaint to BSHAA.

The Customer Services Committee's *Guide to Better Hearing* booklet that was produced last year has continued to be a great success with our members. It has helped to enforce the advice that hearing care professionals provide to their clients. Copies of the booklet can be purchased by BSHAA members from BSHAA.

We continue to share what we have learnt from operating the Customer Care Scheme, in order to continue setting the benchmark for the best care. A number of complaints arose from performance issues due to clients not cleaning/drying their aids properly. The Customer Services Committee is launching a series of cleaning guides for the different types of aids so that they can be handed to clients. These will be available for BSHAA members to provide to their clients.

As part of the ongoing service to our members if there are any shortcomings in client records or other areas where we consider improvement is required we provide feedback on the basis that we try to help our members improve standards.

In a few cases of greater concern, we have taken matters further. BSHAA has continued to strengthen our working relationship with HCPC, co-operating with them to ensure that standards of practice keep pace with changing technologies. In this year, we have supported and coached a small number of members to address weaknesses, in one case with a much speedier resolution than could have been provided under the HCPC fitness to practise regime, and in another, in parallel with a referral for further consideration. Following our own disciplinary hearing, we have also expelled those whose practice was inconsistent with our own professional code, and furnished HCPC with the detailed evidence to support their own Fitness to Practise review.

The Customer Services Committee has also produced a number of articles for *BSHAA People* magazine, which is sent to its members, regarding: distance selling and website legalities; terms & conditions of sale; how to avoid problems when fitting clients with severe hearing loss; where problems most frequently occur and suggestions on how to avoid them.

How we dealt with complaints

Of the 42 complaints, four were not progressed by the client after initial contact with BSHAA. Two complaints are in progress at the year-end. The remaining 37 complaints were resolved as follows:

No valid case

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

- **NHS** – Two were in respect of NHS supplied aids. BSHAA cannot get involved in these cases as the NHS has their own complaint procedure.
- **Lost aid** – The client lost an aid and wanted the company to replace it free of charge. The company offered a replacement at a substantial discount and BSHAA thought this was reasonable.
- **Pricing** – The client lost an aid and wanted to pay only 50% of the original price they paid for two aids. The original purchase was on a special offer, which was no longer available. BSHAA does not get involved in pricing.
- **Damaged aid** – The client damaged the aid and thought the company should pay for the re-shell. BSHAA thought that this was unreasonable as the client caused the damage and the company only made a very reasonable charge for the re-shell.
- **Warranty** – The client wanted confirmation that her warranty was still valid. BSHAA was able to provide this assurance.

Company in Administration

- One complaint concerned an Audiologist that had been made bankrupt. BSHAA offered to put the client in touch with another company but they declined the offer.

Settled outside of the Customer Care Scheme

Seven cases were settled outside of the BSHAA Customer Care Scheme

- **Poor performance and wax issues** – The client reported poor performance however, this was related to wax issues and the client not cleaning the aids. The client was not prepared to accept anything but a 100% refund and took the matter to court. BSHAA withdrew from conciliating in accordance with the CCS policy.

- **Refund chasing** – Three cases were in respect of clients claiming they had not received their refunds; however the companies had already refunded the amounts due.
- **Repair** – Client did not want to pay for the repair. By the time BSHAA contacted the company they had already agreed that the repair would be free of charge.
- **Referred to the HCPC** – Client referred the matter to HCPC and insurers so BSHAA could not become involved, in accordance with the scheme rules.
- **Aids never worked** – Client complained that the aids never worked and continually broke down. Refunded in full by the company before BSHAA reviewed the case.

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.

- 8 cases received either a full or a partial refund.
- 5 cases where the company gave a refund as a goodwill gesture.
- 9 cases where there was no case for a refund.

The cases are summarised below:

Full or partial refunds supported by BSHAA

- **Product Failure** – The client was badly let down by product failure. The company agreed a full refund.
- **The company lost the hearing aid and then client died** – BSHAA considered, in these circumstances, that it was not appropriate to send a replacement aid so the Company agreed to refund the cost of the lost aid.
- **Cancellation within the trial period** – As the client was within the trial period there was no problem with giving a full refund.
- **Exchanged Aids** – The company had already exchanged the original aids and despite the refund request being outside the trial period, they refunded the client.

- **Numerous product failures** – The client had aids for 2 years 4 months. However, during this time there were an enormous number of breakdowns resulting in the client having to visit most months. BSHAA recommended that a full refund be given and the Company accordingly increased their partial refund offer to a 100% refund.
- **Deposit refund** – The client wanted the return of their deposit, but the company were refusing to pay. The company agreed to refund the deposit after BSHAA suggested that they do so as the terms and conditions were not complaint for a sale in the home.
- **Unsatisfactory aids and poor service** – The client complained that: the aids were never satisfactory; the company failed to provide a good hearing outcome and they had provided very poor service. BSHAA supported the client as the issues raised were very soon after the aids were fitted and there was not an acceptance by the client that they were satisfactory. The records indicated a number of service failings. The company agreed a partial refund.
- **Aids unsatisfactory, uncomfortable and poor service** – The client complained that; the fit was uncomfortable due to the client's narrow ear canal and the company had provided very poor service. BSHAA supported the client as the complaints were very soon after the aids were fitted and there was never an acceptance by the client that they were satisfactory. The records indicated a number of service failings. The company agreed a partial refund.

Goodwill refunds even though there was no case to pay a refund

- **Unsuitable and poor performance of aids** – The client complained 11 months after fitting. The problem was due to wax filters not being changed regularly and poor hygiene. Performance issues would have been apparent before 11 months had elapsed. The Company however made a goodwill gesture of a 100% refund.
- **Severe hearing loss and aids not fit for purpose** – The client had a severe hearing loss and complained that the aids were not fit for purpose. The client paid for the aids two weeks after fitting, as they were happy with the aids and had a 30-day trial period. The client actively went ahead and accepted the aids by paying for them and would not have done so had they not been fit for purpose. The 30-day trial period had been clearly stated. The Company however made a goodwill refund of 50%.

- **Improperly prescribed aids** – The client complained that aids should not have been prescribed in view of their severe hearing loss. The limitations of the aids were explained, there was a good trial period to be able to judge whether there was any benefit and the refund request was after the end of the trial period. However, the Company provided a refund as a goodwill gesture.
- **Aids never worked properly** – RIC aids were initially fitted, but during the trial period the client requested CIC aids despite the Audiologist recommending better outcomes from the RIC aids. No issues were reported at two follow up appointments. Subsequently the client became unhappy with the CIC aids, despite a remake. It was therefore decided 7 months later to change back to a RIC model. The company had allowed the client to try 3 different sets of aids and a remake. With each new set of aids, a trial period was provided. The client went against the Audiologist's advice in insisting on CIC when the original RICs had a good outcome and the refund request was 7 months outside of the last trial period. However, the Company provided a partial refund as a goodwill gesture.
- **Severe hearing loss fitting** – The client complained that the aids should not have been prescribed in view of the very severe hearing loss. The client wanted to try the most powerful aids on the market prior to making the decision to proceed with a cochlear implant. A 60-day trial period was offered. The client had a very long refund period (which was made clear to the client) in which they could decide if the aids were of benefit and the refund request was 11 days after the end of the trial period. However, as a goodwill gesture, the company gave a partial refund.

No case for a refund

- **Aids unsuitable** – The client complained 2 years after fitting that the aids had never been suitable and were difficult to insert. They now had NHS aids and wanted a refund. The fitting issues would have been apparent during the trial period. The average daily log of usage did not support that the aids were unsuitable as they were being worn often. BSHAA considered it unreasonable to expect a refund nearly 2 years after fitting.
- **No hearing improvement and poor performance** – The client complained that the aids did not improve their hearing and they had to call the Company a number of times. 11 months after fitting a refund was requested. During the trial period, no dissatisfaction in benefit was reported despite there being two follow up appointments. Performance issues were due to failure to clean the instruments sufficiently.

- **Client died and spouse claimed aids were inappropriately prescribed** – The client had one set of aids fitted, took them back during the trial period and received a refund. 6 months later the client purchased another set of aids. 9 months after fitting these aids needed to be sent back to the manufacturer for repair. The audiologist thought that the client would struggle without any hearing aids due to the severe hearing loss and loaned the client a pair of newer model aids. The client preferred the newer model and purchased these. After they were purchased the client asked for a refund on the first set of aids. However, as these were over a year old a refund could not be agreed. The client could not afford to buy two sets of aids so returned the newer set and received a full refund as they were still within the refund period. Unfortunately, the client died and the husband then sought to get a refund on the older aids on the basis that his wife's hearing was so bad that these aids should not have been prescribed. It was clear that the client did benefit from the aids as she had used them for 9 months with no complaint.
- **Aids inappropriately prescribed** – The client complained, one year after the end of the final trial period, that the correct aids were not supplied and appointments had to be rescheduled. Replacement aids were fitted 42 days after the end of the first 90 day trial period, at no charge. The client asked for another 30-day trial period for the replacement aids, which was provided. The client was aware of the end date of the second trial period. No issues were reported during follow up appointments. It was not reasonable to expect a refund a year after the expiry of the final trial period. The rescheduling of appointments were all within trial periods so if this was an issue there would have been opportunity to cancel and obtain a full refund
- **No benefit and poor fit** – 2 weeks after the end of the trial period, the client asked for a refund claiming that the aids did not fit and that they were hearing no better than with their existing aids. During the trial period there had been a follow up appointment and no problems had been reported. The trial period was sufficient to decide if the new aids were of benefit. If the aids did not fit at the time of the complaint, they would not have fitted or been acceptable during the trial period.
- **Failure to provide an acceptable standard of hearing** – Even though the client was just outside of the trial period the client wanted CICs despite good outcomes with the prescribed aids. Good outcomes were again recorded with the CICs. Nearly 3 months later the client asked for a refund. As the client was outside of the refund

period it was agreed that no refund could be provided but that the second set of aids would be replaced. 3 months after the third set of aids were fitted the client asked again for a refund as they had “problem after problem” and had not received an acceptable standard of hearing. The number of appointments did not support there being multiple problems; positive outcomes had been reported for each of the three different sets of aids and the client was well outside of any trial period.

- **Aids not new and poor aftercare** – 10 months after fitting the client complained that the aids were not new but second hand, no cleaning instructions had been received and there had been no aftercare. BSHAA could confirm that the aids supplied were brand new. The client record stated that advice on cleaning was provided and if the client had wanted written instruction, they could have asked the Audiologist. The client moved home and it was left that the client would make contact for service when convenient.
- **Not fit for purpose** – Aids were fitted but 3 weeks later replacement aids were fitted. During the second trial period, the client confirmed that outcomes were good and accordingly paid for the aids. 8 months after the end of the second trial period the client reported that the aids were not fit for purpose as they had failed to provide an acceptable standard of hearing and wanted a full refund. The client made the positive decision to pay for the aids indicating that they were of benefit and the refund request was 8 months after the end of the final trial period.
- **High price and outdated model** – The complaint was that the client was charged an excessively high price and that an outdated model of aids had been supplied. BSHAA does not get involved in pricing but we were able to confirm that the aids supplied were not old models and that they were still being sold at the date of the complaint.

Non-professional behaviour

- **Misleading advertisement** – The client considered an advertisement misleading. With the exception of one aspect of the advertisement, it was not considered to be misleading. BSHAA advised the company on one area that it felt should be changed in subsequent advertising material.

Lessons learnt

The cases have highlighted certain areas where companies could improve their customer care in the future. Some of the lessons to be learnt are the same as the previous year and are summarised as follows:

- **Respond quickly** – When a complaint is received respond quickly to the client. It further exasperates the client to have to chase up a complaint.
- **Manage expectations** – Especially when clients have very poor residual hearing and any gain will only be marginal.
- **Be Pro-Active** – Be aware of clients that might need more support perhaps see them twice in the trial period. Don't wait for them to make contact with problems, especially where there is a severe hearing loss.
- **Manage trial periods** – If a client is having problems either extend the trial period in writing, or remind them about the end date of the trial period. Avoid keep assuring the client that the issues will be sorted out and it then becomes a rolling trial period and too late for the client to get a refund or the business to receive a manufacturer's credit.
- **Record, Record, Record!!** If clients insist on a certain model of aid but the Audiologist considers that a different type of aid will give a better outcome record this conversation in the client record. Consider following this up with a letter to the client. This action avoids the client claiming that they were not advised.
- **Hygiene Care** – If aids have to be frequently serviced by the Audiologist or returned to the manufacturer for service/repairs due to wax/poor client hygiene advise the client the reason for the repair and counsel them on how to clean them. Record that you have had this conversation.
- **Outcome confirmation to the client** – Consider sending a letter to the client after the end of the trial period thanking them for their custom and that you were pleased that their hearing outcome had been positive – or similar wording.

Measuring success

BSHAA received 6 more complaints this year than last. They continue to be complex and require very detailed review. Companies continue to develop their own in-house resolution processes and are dealing with the more straightforward cases, which is where they should be resolved.

The scheme received 16 feedback forms from clients. As per the trend in recent years, mainly clients that received what they wanted gave a more positive feedback than those where we did not uphold their complaint.

Comments on the forms were:

- I cannot endorse and praise your customer care scheme enough. I had battled with the company without response to the point where I was considering a more formal approach. I was both surprised and relieved when you reported a positive reaction.
- Our expectations were not met but we had closure which was helpful.
- I would like to express my gratitude in your help. No doubt your input was the way forward for us. Your service was excellent.
- Take into account the age of the person. 28 days trial period is not long enough.
- I was helped greatly – no improvements needed.
- The moral issues should be looked at as well as the legal issues especially where elderly people are concerned who do not understand the small print.
- Know the law and be independent.
{the complainant was not maintaining their aids properly consequently they kept breaking down but the complainant felt the aids were not doing the job}
- Believed the company and disregarded the terrible time I had. Others waiting would also complain about the waiting time in the waiting room.
- Guidance on how to make a complaint would be useful ie what evidence is required.

- There should be discussion/challenge in relation to assumptions, which are factually incorrect. The use of less inflammatory language e.g. a phrase like “any reasonable person” is not helpful.
(the client wanted a refund well after the end of the trial period. The context of the “reasonable person” comment was: the client alleged that the dispenser forced one of the aids in. BSHAA explained that there was no way of knowing what had actually happened at the appointment but if this was the case then “any reasonable person would have cancelled”. BSHAA went on to explain that even if the client had been uncomfortable doing this at the appointment there was still time to do so when the client got home as they were still within the trial period)
- Great as it is.
- All expectation met. All very efficient.

Table 1. Feedback on Scheme administration

	Poor	OK	Good	Excellent
How did we respond to your complaint?	0	2	4	10
Did we keep you informed?	0	2	3	11
How courteous were we?	1	1	4	10
How helpful were our letters?	1	5	1	8
Company response	2	2	7	4

Customer Care Scheme complaints 2012/13 to 2017/18

	2012/13	note	2013/14	note	2014/15	note	2015/16	2016/17	2017/18
Total number of complainants	34		27		42		45	37	43
Number of complaints not progressed	1		3		6		5	3	4
Resulting number of cases investigated	33		24		36		40	34	39
Number of complainants deemed to have no valid case	8		8		8		15	3	6
Number of complaints re 'company in administration'	7	1	0		0		2	1	1
Number of complaints settled outside CCS	2		1		0		1	4	7
Resulting number of complaints for conciliation	16		15		28		22	26	25
Unable to contact company	5	2	3		9	3	2	1	0
Refund issues	6		11		16		15	22	22
Non-Professional behaviour	3		0		0		0	1	1
Poor service/administration	2		1		3		0	0	0
Product failure	0		0		0		3	0	0
Complaints outstanding (current year only)	0		0		0		0	0	2
Companies involved in total number of complaints	15		15		18		18	18	14
– Companies with multiple cases	6		5		6		8	7	5
Cases referred to the HCPC	0		0		2		0	0	0
Cases leading to Scheme sanctions	0		0		0		0	0	0
Cases resulting in a BSHAA disciplinary hearing	1		0		1		0	0	1
BSHAA members	1126		1126		1112		1173	1191	1352
BSHAA members in CCS	804		730		848		1173	1191	1352
HCPC registrants	1724		1994		2133		2457	2593	2908
Percentage of HCPC registered audiologists in CCS	47%		37%		34%		48%	46%	46%

Notes

1. 1 Member company – 7 complainants wanting help
2. 5 complaints against 1 company – owner emigrated
3. 9 complaints against 1 company

