



Energy
Ombudsman

An independent view

Making a complaint to the
Energy Ombudsman

The Energy Ombudsman is the
ombudsman service for gas and
electricity companies and their
domestic and small business
customers



We are the Energy Ombudsman, the ombudsman service set up to sort out disagreements between gas and electricity companies and their customers.

Our service is independent and has received approval from the UK gas and electricity regulator, Ofgem, as a statutory redress scheme in the energy sector.

This booklet will tell you what we do and how to use our service. If it doesn't give you the information you are looking for, please contact us.

Our contact details are on page 26.

Contents



What is the Energy Ombudsman?	4
<i>What do you mean by energy company?</i>	4
<i>Member companies</i>	4
<hr/>	
What kind of complaints do you deal with?	5
<i>Who can complain?</i>	5
<i>What is a domestic customer?</i>	6
<i>What is a small business customer?</i>	7
<i>What we can and can't do</i>	7
<i>We're here to help</i>	7
<hr/>	
Is there anything that you cannot deal with?	8
<hr/>	
When is the right time to complain?	10
<hr/>	
How do I make a complaint?	12
<hr/>	
How do you handle complaints?	14
<i>Sorting it out informally</i>	16
<i>Formal decision</i>	16
<i>Letting you know</i>	16
<hr/>	
How might things be put right?	17
<hr/>	
Do I have to accept your decision?	18
<hr/>	
Is the service independent?	19
<hr/>	
How are you funded?	19
<hr/>	
Who's who?	20
<i>Chief Ombudsman</i>	20
<i>Council</i>	20
<i>Member Board</i>	20
<hr/>	
Who else might be able to help me?	21
<hr/>	
Contact us	26
<hr/>	

An independent view

What is the Energy Ombudsman?

If you have a problem sorting out a complaint with a gas or electricity company (**an energy company**), we may be able to help. The service is free and independent. The Ombudsman is the person who decides what action should be taken when you and a gas or electricity company can't agree. Our job is to investigate complaints fairly. We listen to both sides of the story and look at the facts.

What do you mean by energy company?

An energy company is a company that is involved in providing gas or electricity (or both) to your home or small business.

Member companies

The provisions of the Consumers, Estate Agents and Redress Act, 2007, which require all energy companies which have domestic or small business customers to join an approved dispute resolution scheme, came into force on 1 October 2008.

There are rules about when we can and cannot accept a complaint and it is important to know when the energy company you are complaining about joined the service. You can find this information on our website or you can call us.





What kind of complaints do you deal with?

We deal with complaints about:

- your energy bills;
- problems you have as a result of changing your energy supplier;
- complaints about an energy supplier's sales activity;
- physical problems to do with the supply of energy to a home or small business (e.g. power cuts).

Who can complain?

You can use the service if you are a domestic or a small business customer and you are:

- complaining about a company which provides energy to your home and which is a member of our service (a 'member company'); or
- having problems resulting from an energy supplier's sales activity; or



An independent view

- having problems resulting from changing your gas or electricity supply to or from a member company; or
- representing a customer who meets one of the conditions above and have the customer's permission, in writing, to make the complaint.

You must have been in one of these categories when the problem you're complaining about began.

What is a domestic customer?

We deal with complaints from people who have experienced problems with companies which provide energy to their homes.





What is a small business customer?

A small business is one which:

- employs fewer than ten people; or
- which uses less than 200,000 kWh gas per year or 55,000 kWh electricity per year; or
- where the annual turnover for the business is less than €2 Million.

What we can and can't do

What we can do and can't do is set out in our terms of reference (our responsibilities).

This booklet sums up the main points.

You're welcome to read our terms of reference – please just ask us for a copy or go straight to our website.

We'll decide whether your complaint fits in with these terms and whether we have the power to deal with it.

We're here to help

Please ring us if you would like to discuss whether your complaint is one that we can deal with.





Is there anything that you cannot deal with?

Yes, there are some areas of complaint that we are not allowed to deal with. These are:

- complaints about an energy company which is not a member of our service;
- complaints about an energy company's sales activity, where the problem happened before 1 September 2007;
- complaints about physical problems to do with the gas or electricity supply to your home, where the problem happened before 1 April 2008;
- complaints about an energy company which joined the service on or after 1 October 2008, where the problem happened before this date;
- problems that we think would be better dealt with by the courts, arbitration services or other complaints procedures;
- problems that are already being dealt with by courts or other complaints procedures;
- employment and staff issues in member companies;



An independent view

- cases that we consider to be malicious or unjustified;
- commercial decisions made by member companies about whether to provide a product or service, and the terms under which they may be provided. For example, we cannot make an energy company reduce the tariff charges for the energy it provides; and
- disagreements between gas or electricity companies about providing those services.



An independent view

When is the right time to complain?

Before you complain to us, you must first have complained to the energy company. You must follow their published complaints procedure. This is to give the energy company a fair chance to sort the problem out. If you are still not happy with the way things have been handled, you can contact us.

There are some rules about when we can accept your complaint:

- you must have told the gas or electricity company about the problem within 12 months of first knowing about it. So, for example, if you realised there was a problem with your gas bill on 21 September 2007, you need to have told your gas company about it by 20 September 2008;
- you must have made the complaint to the energy company after the company became a member of the service.





If you have already complained to the energy company, there are three situations where you can involve us. These are as follows:

Not making satisfactory progress

You must follow the energy company's published complaints procedure, and allow them up to eight weeks to sort out the problem for you. If after eight weeks of making your complaint you're still not happy with the way the energy company is dealing with it, you can pass it to us. For example, the energy company might not have replied to your complaint or you may not be satisfied with the way they have sorted it out.

The deadline for bringing it to our attention is nine months from the date you first told the company about the problem.

Important note: If your company became a member of the Energy Ombudsman on or after 1 October 2008, it will have up to 12 weeks to sort out the problem for you. From 1 October 2009 all energy companies will have up to eight weeks to handle your complaint.





Getting a deadlock letter from the energy company

You might get a letter from the energy company that says they will no longer be handling your complaint. The letter might say, for example, that the energy company can't do anything for you and that this is its final position. We call this a 'deadlock letter'.

You then have six months from the date of the letter to pass your complaint to us.

Unable to complain

You have encountered sustained difficulty in registering a complaint with an energy company.

How do I make a complaint?

You can phone us on **0330 440 1624**.
Textphone users can call us on
or **0330 440 1600**. You can also email us at
enquiries@energy-ombudsman.org.uk

Our full contact details are on page 26.



An independent view

When you contact us, we'll ask you what's happened and we'll decide if we have the power to deal with your complaint. If we do, we'll take the details and send you a filled-in form for you to check, sign and return, with **copies** of all of the documents that you have to support your complaint. We cannot return any original documents you send us. Once we have this information, the investigation process will begin.

See our website for an example of the type of information we need on the complaint form and in your supporting documents.

By signing the complaint form, you give permission for the energy company to release to us any information it holds about you and the service it has provided to you, which may be relevant to the complaint. If our initial findings (the Provisional Conclusion) rely on documents that you or the energy company doesn't have we will usually make sure that you or the energy company is given copies to refer to.



An independent view

How do you handle complaints?

We are an independent organisation. It is our job to sort out complaints fairly and quickly.

We'll decide as soon as possible whether your complaint is within our terms of reference and whether we can deal with it. Then we'll let you know.

If we can accept your complaint, and you agree that we should do so, we'll ask the company you are complaining about for information about what's happened so far.

How long it takes us to come up with a solution depends on how complicated the complaint is, and how quickly we can get to the facts. To help us with this, you should send us **copies** of all the information about your case when you return the signed complaint form. We cannot return any original documents you send us. During the investigation process you will only hear from us if we need more information.





When we have reached a decision, we will write to you with our Provisional Conclusion. If you and the energy company accept this as a settlement of the dispute, it will become the final decision and the energy company must put in place any remedy that is called for.

At this time, you or the energy company can give us more information about the complaint, for example, you may feel that we have made a significant error in fact or there may be important new evidence which could have a material effect on our decision. Any comments we receive will be passed to the Ombudsman to take into account when making the final decision.

When we have finished this process, we will send you and the energy company a copy of the final decision.





Sorting it out informally

Sometimes, we'll try to find an informal solution that will bring the matter to a close.

For example, when we ask for your file, if the energy company tells us that they could do more to settle your complaint, without us needing to investigate, we may agree to give them the opportunity to do this.

We then check if you are happy with the solution offered.

Formal decision

If an informal approach doesn't work, we will look at all the information on your case and decide whether your complaint is one that we can help with. We will also consider whether the energy company must take any action to put things right for you and will make a formal, independent decision on the case.

Letting you know

Whatever the outcome, we'll write to you to let you know the decision.



An independent view

How might things be put right?

If we decide to make an award, and you accept it, then the energy company has agreed that it will keep to the decision and take the action that we have asked for in the final decision. We may ask the company to provide any or all of the following:

- a service or some practical action that will benefit you;
- an apology or explanation;
- a financial award.

It is not the Ombudsman's role to punish energy companies when deciding what solution to provide. If a financial award is needed, this will be the amount that we consider necessary to settle a particular dispute. This can be as much as £5,000 (including VAT).

So that the same problem is less likely to happen again, we may also recommend that the energy company should make changes to its policies or procedures.



An independent view

Do I have to accept your decision?

No. It's up to you to decide whether you are satisfied with the Ombudsman's decision.

If you accept the decision within two months:

The energy company will keep to the decision and take the action that the Ombudsman has asked for.

If you don't accept the decision within two months:

You lose the right to the solution that the Ombudsman has offered. However, you will be free to follow other routes to try to sort out the problem in a way that suits you better.

We work to strict time limits so it is important that you let us know as soon as possible whether you wish to accept or decline the decision.





Is the service independent?

Yes. It is important for us to be independent of the energy industry and the regulator, Ofgem, so that people trust us to be fair. We have a Council to make sure of this.

Our Council's job is to:

- agree the appointment of the Ombudsmen;
- keep the service independent;
- review our performance; and
- recommend any changes that might need to be made to the way we work.

We are a member of the British and Irish Ombudsman Association (BIOA), which recognises us as independent.

How are you funded?

We are funded by our members. We have a board (the Energy Member Board) made up of member companies and independent representatives. The Energy Member Board makes sure that we are appropriately funded and approves our annual budget.





Who's who?

Chief Ombudsman

The Chief Ombudsman is Elizabeth France, CBE. She is assisted in her work by a team of ombudsmen.

Council

The Council is mostly made up of independent people. There are also industry representatives from the Energy Member Board. It is chaired by Peter Holland, CBE DL. If you'd like to know who is on the Council, please visit our website or ring us.

Member Board

The Member Board is made up of representatives from the energy companies who are members of our service and an independent representative from the Council.

If you would like to know who is on the Member Board, please visit our website or contact us.



An independent view

Who else might be able to help me?

Consumer Direct

Consumer Direct provides practical consumer advice. Its regionally based advisors are specially trained to give practical advice on all kinds of consumer issues.

Phone: 08454 040 506

Minicom: 08451 281 384

Website: www.consumerdirect.gov.uk

Citizens Advice

Your local Citizens Advice may be able to help you with your complaint. You can find out how to contact your local branch in England, Wales and Northern Ireland, by looking at the 'Adviceguide' website. Details for contacting your local branch will also be listed in the phone book.

Website: www.adviceguide.org.uk

Citizens Advice in Scotland

Website: www.cas.org.uk



E-mail

Website



An independent view

British and Irish Ombudsman Association (BIOA)

BIOA's website lists the ombudsmen and other complaint-handling organisations that may be able to help you if you have a complaint.

Write to: **PO Box 308**
Twickenham
TW1 9BE

Phone: **020 8894 9272**

E-mail: **secretary@bioa.org.uk**

Website: **www.bioa.org.uk**

Trading Standards

Trading Standards operates a website called Trading Standards Central which is a one-stop shop for information on consumer protection in the UK.

Website: **www.tradingstandards.gov.uk**





Age Concern England

Age Concern England has a network of local advice centres for older people.

Write to: **Freepost (SWB 30375)**
Ashburton
Devon
TQ13 7ZZ

Phone: **0800 009 966**

Website: **www.ageconcern.org.uk**



E-mail

Website





Dial UK

Dial UK is a network of advice centres for people with disabilities.

Write to: **St Catherine's
Tickhill Road
Doncaster
South Yorkshire
DN4 8QN**

Phone: **01302 310 123**

Textphone: **01302 310 123**
(please use the voice announcer)

E-mail: **enquiries@dial.info**

Website: **www.dialuk.org.uk**



An independent view

Information Commissioner's Office (ICO)

The Information Commissioner's Office is the UK's independent authority set up to promote access to official information and to protect personal information.

Write to: **Wycliffe House**
Water Lane
Wilmslow
Cheshire
SK9 5AF

Phone: **01625 545 745**

E-mail: **mail@ico.gsi.gov.uk**

Website: **www.ico.gov.uk**

Advicenow

Advicenow is an independent, not-for-profit website providing accurate, up-to-date information on rights and legal issues.

Website: **www.advicenow.org.uk**



An independent view

Contact us

Write to: Energy Ombudsman
PO Box 966
Warrington
WA4 9DF

Phone: 0330 440 1624, or
01925 530 263, or
0845 055 0760

Fax: 0330 440 1625, or
01925 530 264, or
0845 055 0765

Textphone: 0330 440 1600, or
01925 430 886, or
0845 051 1513

E-mail:
enquiries@energy-ombudsman.org.uk

Website:
www.energy-ombudsman.org.uk





Energy
Ombudsman



We issue information in other languages and other formats. Visit our website:
www.energy-ombudsman.org.uk

Energy Ombudsman

PO Box 966, Warrington, WA4 9DF

Telephone: 0330 440 1624 | or 01925 530263

Fax: 0330 440 1625 | or 01925 530264

Textphone: 0330 440 1600 | or 01925 430886

Email: enquiries@energy-ombudsman.org.uk

Website: www.energy-ombudsman.org.uk