



Postal Services

Guidelines for the handling of Complaints referred to the Gibraltar Regulatory Authority

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Gibraltar Regulatory Authority

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Introduction

Under the provisions of section 4P (3) of the Post Office Act (the "Act"), the Gibraltar Regulatory Authority (the "Authority") has established these procedures for the handling and resolution of complaints between postal service providers and their customers.

In the first instance, customers are required to contact the relevant postal service provider, and exhaust their complaints procedures. If the complaint has not been satisfactorily resolved, the customer may then file a complaint with the Authority. In this regard, customers must have received some form of final response from their postal service provider stating that they have completed their investigations and will take no further remedial action in respect of your complaint.

However, should the need arise, the Authority may investigate any complaint, even if the postal service provider has not concluded its procedures.

Any complaints referred to the Authority must be regarding a postal service provider in Gibraltar. In accordance with Regulation 13 (1) of the Postal Service (Authorisation) Regulations (the "Regulations"), a list of authorised undertakings in Gibraltar has been published on the Authority's website.

Lodging a complaint with your Postal Service Provider

If you are not satisfied with the service you have received, you should first approach the postal service provider and lodge a formal complaint. Subject to the nature of the complaint, adequate time must be allowed for the issue to be investigated and resolved. In many cases your service provider will be able to rectify your situation without you having to take the matter any further.

Remember these points when making a complaint with your postal service provider:

- Clearly identify what the problem is and the desired outcomes from making your complaint;
- Support your case with copies of any relevant documentation. Remember you should always retain copies of any correspondence or official documentation (*receipt, certificate of posting*);
- Keep notes of what you do, whom you speak to, any relevant dates and what they said or promised to do;
- Record the date and time when you made your complaint and the reference number, if one was assigned to you.

If the matter remains unresolved?

If you have exhausted your postal service provider's complaints procedure and received a final response stating that they have completed their investigations, and you are still not satisfied with the response and/or remedy offered, the Authority may be able to help you.

Submitting a complaint to Gibraltar Regulatory Authority

All complaints should be submitted to the Authority in writing to the address below:

Gibraltar Regulatory Authority
Postal Services Division
2nd Floor, Eurotowers 4
1 Europort Road
Gibraltar
GX11 1AA

Alternatively, you may e-mail us at postal@gra.gi

Please remember to provide full details of your complaint. This should include the information listed below:

- An explanation of the reason for your complaint;
- The product or services concerned;
- Legal basis for the complaint, if any;
- Details of any contact/correspondence with the relevant postal service provider.

Your complaint should be submitted together with any relevant supporting information and documents attached (*these may include postal service provider's complaint form, certificate of posting, exchange of emails or correspondence, final response letter or other evidence to support your complaint*):

How will we handle your query or complaint?

The Authority aims to acknowledge all submissions within two working days of receipt. If the Authority opens an investigation into a complaint, it will notify the complainant and the relevant postal service provider.

The Postal Service Provider may be sent a copy of the complaint and requested to provide a statement in response. On receipt of the said statement, the Authority will consider whether further information is required and continue with the correspondence as necessary.

The Authority's investigations will be open and transparent. Any information and/or correspondence relating to your complaint will be accessible to all parties involved, unless there are valid confidentiality concerns or tactical considerations (such as the undesirability of alerting the target of an investigation). However, this will be subject to the provisions of the Data Protection Act 2004.

What can we do?

We can provide you with advice on the matter, so that you will have a better understanding of what the postal service provider's obligations are and the possible courses of action available to you.

The Authority will use its powers under the Act & Regulations to collect all the relevant information it needs to pursue investigations.

The extent of the actions that the Authority can take in relation to your complaint, depends on the particulars of your complaint. If the complaint involves an issue that has a direct regulatory bearing, such as breach of an obligation and/or licence condition, then in accordance with the law the Authority is empowered to take action against the postal service provider in question and direct them to:

- Amend their operational procedures; and/or
- Pay the complainant such level of reimbursement, compensation or both, as it may deem fair and reasonable.

Rejecting a Complaint

The Authority will consider the circumstances surrounding each complaint, but will decline to open an investigation in response to unsubstantiated allegations or inadequate submissions.

The Authority may reject a complaint for any of the following reasons:

- It is inappropriate to consider it;
- The complaint falls outside the Authority's remit;
- The postal service provider's complaints procedures have not been exhausted;
- The factual evidence submitted by the complainant is incorrect, inadequate or based on misunderstanding;
- It is not made within 30 days of receiving a final response from the postal service provider.

Any complaints submitted to the Authority must also be genuine and reasonable. The complainant must have a direct interest in the subject matter of the complaint and this must not be the subject of legal proceedings in Gibraltar or be more appropriately resolved by legal proceedings. If a complaint is rejected on any of these grounds, the Authority will provide the complainant with a full explanation.

Resolution / Publication of Conclusion

On conclusion of the investigation, the Authority will provide both parties with its decision and an explanation of its conclusions. This decision could encompass a variety of scenarios such as the complaint is not upheld or the complaint is upheld and the postal service provider will be liable to whatever remedial action is deemed appropriate by the Authority's conclusions.

Where there has been a breach of a licensee's condition or obligation the Authority must follow the procedures set out in the Act or Regulations.

The Authority's decision is final, however the aggrieved shall have a right of appeal under section 4I of the Act.

If a complaint is upheld in whole or in part, then the Authority shall publish its findings on its website.