



Office of Utility Regulation

# Dispute Resolution Guidelines

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## Information Note

**Document No:** OUR 02/32

**September 2002**

**Office of Utility Regulation**  
Suites B1 & B2, Hirzel Court, St Peter Port, Guernsey, GY1 2NH  
Tel: (0)1481 711120, Fax: (0)1481 711140, Web: [www.regutil.gg](http://www.regutil.gg)

## **Background**

The functions of the Director General of Utility Regulation are set out in The Regulation of Utilities (Bailiwick of Guernsey) Law, 2001 which includes amongst other the function to:

*“Receive and to conduct inquiries and investigations (which may include inspections of any part of a utility network) and to hear complaints by any person regarding utility activities.”<sup>1</sup>*

To date there have been no guidelines in place for dispute handling within the Office of Utility Regulation (“OUR”) and consequently each complaint to date has been dealt with on a case by case basis. However as the regulatory regime has developed, it has become apparent that there is a need for such a structure and published guidelines to be in place, in order to assist all parties involved in a dispute. Therefore to facilitate the resolution of complaints by any person regarding utility activities, the Director General has published this Information Note which describes how to submit a dispute concerning any of the OUR’s licensees.

It should be noted that the Director General’s statutory duties are restricted to the regulated aspects of the licensed operators’ businesses, and any complaints relating to areas of business outside this (for example the retail of electrical ‘white’ goods) should be raised with the Trading Standard Services.

To make a complaint, the customer should first contact the appropriate company, following the procedures set out in its published code of practice. Each of the licensed utility companies’ has a code of practice in place for dealing with customer complaints which can be obtained by contacting the company or visiting their websites. When a complaint remains unresolved, either because the consumer is dissatisfied with the outcome, or the target time for resolution has been exceeded, the consumer can decide if they wish to take the matter further by approaching the Trading Standards Service of the Board of Industry. However if the complaint still remains unresolved then the consumer can ask that the matter be referred to the Office of Utility Regulation.

Where the complainant wishes to raise the dispute directly with the OUR, they may do so, although if the complaint handling procedures in place for the company involved have not been exhausted, then the Director General reserves the right to return the request for dispute resolution form back to the complainant.

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<sup>1</sup> The Regulation of Utilities (Bailiwick of Guernsey) Law, 2001 Section 4 (1) e.

If a complaint is raised with the OUR then the guidelines set out in this document will apply. It should be noted however that this is a living document and may be subject to change over time in the light of experience. In particular the OUR has the right to amend any of the timescales indicated in these guidelines depending on the complexity of the individual dispute.

## ***Dispute Resolution Procedures***

- 1** A Dispute Submission Form (see annex A) should be filled in by the complainant and presented to the OUR either by email to [director.general@regutil.gg](mailto:director.general@regutil.gg) or in writing to;

The Director General  
Office of Utility Regulation  
Suites B1 & B2 Hirzel Court  
St Peter Port  
Guernsey  
GY1 2NH

The following formation should be included in that form:

- Contact names and details of the complainant indicating whether their identity is to be kept confidential.
  - The name and address of the company with whom the dispute is with.
  - Detailed information of the nature of the dispute, including the licence condition believed to be in breach and the behaviour or events which constitute the breach.
  - What effect the dispute is having/could potentially have on the operation of business, including any relevant supporting documentation.
  - Details of the steps taken to date by all parties to resolve the dispute, including details of any correspondence, meetings, conversations and any supporting documentation.
  - The resolution that the complainant considers appropriate for the dispute.
- 2** The Director General, or a designated case officer, will conduct an initial investigation based on the material provided.

If it is deemed that there is insufficient information to proceed with an investigation the OUR will contact the complainant and request further information.

- If the OUR considers that the complaint is unfounded then the complainant will be contacted and the dispute will not be pursued. Reasons for this could include, but are not limited to, the subject matter being out of the legislative remit of the Director General or the circumstances described are not judged to be in breach of any licence condition.
- 3** The OUR will judge whether the dispute warrants the commencement of formal dispute resolution procedures and the launch of a full investigation or whether a resolution could be reached by alternative means, i.e. mediation or conciliation. If the latter is the case then both parties will be approached to consider whether this is agreeable.
  - 4** If it is decided that a formal dispute and investigation is necessary the following procedures will apply;
    - The recipient of the complaint (the respondent) will be provided with the full details of the dispute (excluding any confidential information) and requested to respond to the OUR. Any material of a confidential nature should be provided in a separate annex and clearly marked as confidential. The respondent will normally be given two weeks to respond, although this may vary depending on the complexity of the case in question.
    - If upon examination of the respondent's response the OUR finds that insufficient detail has been provided then the OUR may make a further request for specific information. This may constitute a formal request for information in accordance with the licensee's licence conditions. In this instance the respondent will be given one week to provide the necessary information.
    - The respondent's response will be forwarded to the complainant for comment, who will be normally be given two weeks to respond.
  - 5** If at any stage, either party brings forward new information to the OUR's attention, then the OUR will decide whether this information can be considered as part of this complaint or constitutes a new dispute.
  - 6** If the OUR considers the complaint to be of a nature that may effect other parties or the market in question, then the OUR may decide to notify relevant parties which may involve publishing a summary of the dispute on the OUR website and inviting comments on the subject matter from interested parties. Should this be the case then a period for comment appropriate to the specific dispute will be set.
  - 7** The OUR will prepare a proposed finding of the dispute within six weeks of receiving the final information sought (although we will endeavour to do this sooner) and both parties will be provided with an opportunity to comment on the findings and given one week to respond. The document will include an overview of the case, including details of the investigation by the OUR, the proposed findings in relation to any potential breach in licence conditions and any

timeframes involved for implementing any directions which may constitute part of the finding.

- 8** Upon receiving comments from both parties on the proposed findings the OUR will consider all comments and take those into account in the final finding. If either party were to dispute the proposed finding then the case will be re-assessed by the Director General, following which the finding will either be confirmed or revised.
- 9** The final finding in the dispute will be presented to both parties and a summary will be published on the OUR's website and made available to the public from the OUR.

The OUR has the right to amend any of the timescales indicated in these guidelines depending on the complexity of the individual disputes.

**/ENDS**

**Annex A**

**REQUEST FOR DISPUTE RESOLUTION**

**PART A  
Complainant details**

Full name of complainant	
Address	
Telephone Number	
Email address	
Fax Number	
Contact Name	

**CONFIDENTIALITY**

Please indicate whether you wish to keep your identity confidential:

Yes:

No:

If yes, please state why.

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**PART B**  
**Dispute Details**

**In order for the OUR to investigate this dispute, the attached information provided by you will be communicated to the respondent. If there is any information you do not wish the respondent to see, please clearly identify such information and provide the reason why you wish it to remain confidential.**

**1. Applicable Company**

Please include the name and the address of the company with whom you have a dispute.

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**2. Nature of Dispute**

Please provide here detailed information of the nature of the dispute.

In order to assist us, please provide the following information:

- Where possible, please identify the licence condition you believe the company to be in breach of; and
- Please summarise the behaviour that you believe constitutes the breach.

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**3 Effect of Dispute**

Outline what effect this dispute is having or could potentially have on the operation of your business, please include any supporting documentation.

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**4. Actions taken to resolve dispute**

Provide details of any steps taken by you and the respondent to date to resolve this dispute, including details of any correspondence, meetings, conversations etc; please submit copies of any relevant supporting documentation.

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**5. Resolution Sought**

Please indicate what you consider to be an appropriate resolution to this dispute.

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**6. Additional Information**

Please include any additional information which you believe will assist the OUR in investigating this dispute.

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**7. Signature of complainant**

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