

# Procedures for calculating compliance with the small business eligibility criteria for complaining about electricity and gas suppliers and networks

- Where the supply period is less than 1 year, the compliance decision is based on the projected annual consumption rate;
- Where the supply period was between 1 and 2 years, the compliance decision is based on the consumption during the first year; and
- Where the contractual period was longer than 2 years, the compliance decision is based upon the average consumption throughout the supply period; **provided that the data are available to Ombudsman Services: Energy at the time of decision whether or not to accept the complaint.**

*Note that the statements from the complainants may be checked against suppliers' records, when they become available during the investigation.*

**Identical procedures shall be employed for gas, including any checking considered to be necessary.**

## **Procedures for calculating compliance are:**

Ombudsman Services: Energy will ask the complainant how many full-time equivalent staff are employed by the organisation. We may request written evidence of this and/or may check in other ways.

Ombudsman Services: Energy will ask the complainant what the organisation's turnover and total assets are and may check in other ways. The relevant averages will be calculated according to how long the organisation has been in existence, on the same principles as the above electricity and gas criteria. Where there is any doubt about compliance, the complainant will be asked for the most recent set of accounts but, if they indicate a turnover or balance sheet value marginally above the threshold, then Ombudsman Services: Energy may accept an average of two or three annual values (ie if the complainant organisation is growing).

For currency conversion purposes (ie £ to €), the average for the relevant accounting year will be employed.

**On the basis of the above information, Ombudsman Services: Energy will then use its discretion to decide whether or not to accept the complaint, recognising that consumptions, turnovers and balance sheet assets do vary.**

**Note that a complainant organisation can qualify for acceptance if there is compliance with only one of the criteria.**

### **Groups of Companies (micro-business complainants)**

These complaints will be examined on the basis of the following questions:

- whether the account-holder is compliant (with the above criteria) as a micro-business; and
- whether the account-holder is the bill payer?

If the answer to both questions is “Yes”, then the complaint can be accepted as being within the above criteria.

### **Complaint Timing Compliance**

To be fully compliant with the acceptance criteria, a complainant must come to Ombudsman Services: Energy within nine (9) months of the first complaint to the service provider or within seven (7) months of receipt of a deadlock or ‘8-week’ letter. We will ask complainants what their complaint timelines were and check against what the service providers’ records say.

However, Ombudsman Services: Energy will take other points into consideration, where they are relevant, including:-

- whether sufficient signposting information was available from the service provider;
- the amount of effort put in by the complainant that has not been responded to by the service provider;
- whether promises of a speedy resolution have been made to the customer but little or no progress has been made; and
- whether there are other reasons for the late approach to Ombudsman Services: Energy, such as illness.

**As indicated and in-line with the Energy Terms of Reference, Ombudsman Services: Energy reserves the right to use its discretion to take any of the quoted points into account, as well as any others considered to be appropriate, when determining whether or not to accept a complaint.**