



National Communications Authority

**INVITATION FOR COMMENTS ON CUSTOMER CARE GUIDELINES
FOR PAY TV PROVIDERS**

1. The National Communications Authority (NCA) as part of its regulatory measures has put in place a Customer Care Guideline.

The purpose of this document is to ensure that:

- All Pay TV service providers put in place adequate consumer protection measures in the provision of their services.
2. Following public agitation on the lack adequate consumer protection measures, the NCA initiated steps to help address these challenges in ensuring that consumers are treated fairly and given value for their money.
 3. Accordingly, in pursuance of its mandate under section 27 of the Electronic Communications Act, 2008, Act 775 and section 4.1 of the National Telecommunications Policy 2005 (NTP'05), the Authority hereby invites views and comments Consumers of Pay TV services and the General Public. The said Guidelines can be accessed on the Authority's website at www.nca.org.gh.
 4. The public consultation begins with immediate effect and shall expire on **18th January 2017**.
 5. All responses/comments should be electronically transmitted as e-mail attachments, in Microsoft Word format to info@nca.org.gh.
 6. All respondents are requested to complete the cover sheet response (**See Page 2**)
 7. It would be helpful if your response could include comments on the sections of the document you agree/disagree with.

Confidentiality

8. In furtherance of transparency and openness, the Authority shall consider all responses as non-confidential; accordingly all submissions shall be published on our website, **www.nca.org.gh**, on receipt.
9. Please note that copyright and all other intellectual property in responses shall be assumed to be licensed to NCA to be used to meet its legal requirements.

**Issued by the Director General
November, 2016**

**COVER SHEET FOR RESPONSE TO NCA PUBLIC CONSULTATION ON
CUSTOMER CARE GUIDELINES FOR PAY TV PROVIDERS**

BASIC DETAILS

Name of respondent:

Representing (self or organisation/s):

Address:

DECLARATION

I confirm that the correspondence supplied with this cover sheet is a formal consultation response. It can be published in full on NCA's website, and I authorise NCA to make use of the information in this response to meet its legal requirements. If I have sent my response by email, NCA can disregard any standard e-mail text about not disclosing email contents and attachments.

Name :

Signed (if hard copy)

FORMAT FOR COMMENTING ON THE DOCUMENT

Chapter Number	Section Number	Heading	Comment	Suggestion / Proposed Amendment



CUSTOMER CARE GUIDELINES FOR PAY TV SERVICE PROVIDERS

A Framework for Provision For
Customer Protection

National Communications
Authority
September, 2016

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Interpretations/ Definitions

Unless the context requires, terms, words and phrases used in this Guideline shall have the same meaning as are ascribed to them below.

	Item	Definition
1	Act 769	National Communications Authority Act, 2008 ACT 769
2	Act 775	Electronic Communications Act, 2008, Act, 775
3	Authority	National Communications Authority
4	Bouquet	Selection of general and thematic TV channels that are offered as a package to subscribers.
5	Call Centre	A place where both inbound and outbound calls are used to resolve queries from Customers.
6	Channel	A compilation of video programmes which are assembled into various bouquets.
7	Consumer	A person, community or organisation that uses, may use or is affected by a product or service which is regulated by the National Communications Authority, the various categories are individuals or entities: Who buy products or services for use. Who can make a decision whether or not to purchase an item. Who can be influenced by marketing and advertisements. Whose actions contribute towards making a decision as a Customer and influence the industry.
8	Customer	A person, community or organisation which has subscribed for any service from an Authorised provider.
9	Disability Act	The Persons with disability ACT, 2006, ACT 715
10	Disability	‘Disability’ means a physical, sensory, mental or other impairment, including any visual, hearing, learning or physical incapability, which impacts adversely on social, economic or environmental participation.
11	Electronic Programme Guide	An application used with digital set-top boxes and digital television sets to list current and scheduled programs that are or will be available on Guide each channel and a short summary or commentary for each program.
12	Authorisation Holder	Pay TV provider who is duly authorised with the Authority.
13	L.I. 1991	Electronic Communications Regulations, 2011

14	Pay TV	Television broadcasting in which viewers pay by subscription to watch a particular channel
15	Service Centres	The Customer Care Centre of an Authorisation Holder
16	Set Top Box	A unit that receives the digital TV signal captured over the air by an antenna and decodes or converts the digital signal into a format that can be understood and displayed by an analogue TV.
17	Virtual Queuing System	A system that provides the subscriber an option to wait in a queue or receive a call back when he/she calls the call centre.
18	Website	means the website of Authorisation Holder

Abbreviations

NCA	National Communications Authority
EPG	Electronic Programme Guide
PIN	Personal Identification Number
IVR	Interactive Voice Response

1. Background

- 1.1. The National Communications Authority is mandated per Act 769, 2008 to authorise and regulate communication activities and services in Ghana. Section 3 (a) thus directs the Authority to “establish and monitor the implementation of national communication standards and ensure compliance accordingly”.
- 1.2. It is also mandated per section 3(r) to “issue guidelines and standards from time to time” towards ensuring that world class best practices are adhered to in order to protect the interest of all stakeholder and increase Customer satisfaction.
- 1.3. Section 5 (g) also recognises “the needs and interests of persons with disability, the elderly, low-income earners and the vulnerable”. Section 5(c) also seeks to enforce “the protection of the interests of Customers or users of communications networks or communications services and in particular to the interests of Customers' choice, quality of service and value for money”.
- 1.4. The Customer Care Guidelines for Pay TV has been designed in pursuant to Section 28 of the Electronic Communications Act, 2008 Act 775 in order to facilitate the efficient and effective provision of good customer experience to Pay TV Customers in the country.
- 1.5. The Customer Care Guidelines for Pay TV will mandate the operators to put in place structures to enhance the proper resolution of complaints as indicated in the Regulation 117 of L. I. 1991.
- 1.6. The Persons with disability Act, 2006, Act 715, Section 7 also mandates service providers to put in place the necessary facilities that will make the service available and accessible to a person with disability.

2. Purpose

- 2.1. The purpose of this Customer Care Guidelines for Pay TV is to ensure effective Customer Service Delivery and also to promote Customer rights and protection.
- 2.2. It is to ensure that Customers receive prompt and accurate customer care assistance whilst utilising the service.
- 2.3. It is also to ensure that effective complaint handling process is put in place to handle queries.
- 2.4. Promotions are carried out in a transparent, ethical, professional and legal manner and to treat Customers fairly by stating the right charges pertaining to services and promotion.

3. Applications of the Guidelines

- 3.1. The Customer Care Guidelines for Pay TV is issued pursuant to the under-listed legislations and shall apply to all Pay TV Authorisation Holders:
 - Sections 3(a) and 5(c) and (g) of Act 769
 - Section 28 of Act 775

- Section 7 of Act 715
- Regulation 117 of L.I 1991

4. Scope

- 4.1. This Customer Care Guidelines for Pay TV sets out to provide the rules that will govern the provision of Customer Service to Pay TV Customers;
- 4.2. It highlights the basic rights, responsibilities and obligations of both Authorisation Holders and customers in the delivery of excellent customer service;
- 4.3. It covers the touch points involved in the delivery of excellent Customer Service, which includes but not limited to services being provided by Authorisation Holders' Call Centres (Outbound and inbound Calls), Service Centres and Self Service (IVR, Websites, etc.);
- 4.4. The provision of excellent Customer Service to persons with disability, the elderly, low-income earners and the vulnerable and;
- 4.5. The Terms and Conditions required for the equitable delivery of Pay TV service.

5. General Customer Care Guidelines for Pay TV Authorisation Holders

Authorisation Holders shall, in accordance with the Act, take such steps as are necessary to ensure that, in relation to the provision of services, users are reasonably and reliably informed and that there is a basic framework for the issues relating to complaints, warranty, and quality of service, among others. The framework consists of various areas as specified in the sections below.

5.1. Provision of Customer Care Services to Customers

- 5.1.1. Customer Care assistance shall be provided free of charge.

5.2. Information Provision to Customers

An Authorisation Holder shall provide the following information to Customers in the following manner:

- 5.2.1. An Authorisation Holder shall ensure Customers are well informed of how to access Customer Care and the operational periods and or time.
- 5.2.2. An Authorisation Holder shall explain clearly to the Customer the various modes of lodging a complaint.
- 5.2.3. Customers shall be provided with information on services that is complete, accurate, up-to-date and in simple language devoid of technical terms;
- 5.2.4. Where other services are required in order to effectively utilize the service, customers shall be sufficiently informed of such requirements or service dependencies.
- 5.2.5. Customers shall be informed of the channels available for customer service provision.

- 5.2.6. Authorisation Holders shall provide specific information regarding any compensation, refund or other arrangements, which may apply if contracted quality service levels are not met.
- 5.2.7. Where services are subject to upgrade or migration options, Customers shall be verbally provided with clear and complete information regarding the upgrade or migration terms, including any changes in service performance and any duly approved fees or charges resulting from the upgrade or migration before opting in for any service or product;
- 5.2.8. Before a contract for service is entered into, the Authorisation Holder and its agents shall inform the Customer of applicable rates/charges, composition of the charges, methods of computation and the circumstances that give rise to the charges and where these charges are subject to review from time to time.
- 5.2.9. An Authorisation Holder shall publish its Customer care number and a Toll Free Line in the following manner;
- Public notice in two state owned newspapers twice every year
 - Display on the website and
 - Direct communication to customers.
- 5.2.10. An Authorisation Holder shall disclose to customers their right to seek redress with the National Communications Authority if they express dissatisfaction with the resolution of their complaints. This disclosure information shall be published on their websites, customers service centres etc.
- 5.2.11. An Authorisation Holder shall provide information but not limited to the following to the Customer before, during and after sales of any device, service and products:
- Whether after sales support is available
 - The circumstances under which the support service is available
 - The contact details for the support team
 - Whether a charge is payable for after sales support

5.3. Technical Requirements on Equipment

- 5.3.1. An Authorisation Holder shall ensure that any Set Top Boxes (STBs) offered for sale, lease or rent either by themselves or their third party agents are fully compliant with receiver standards issued by the Authority and are duly certified for conformance to ensure customer safety.
- 5.3.2. An Authorisation Holder may provide STBs that have additional features not included in the above Minimum Requirements however; Authorisation Holders shall ensure that these features work properly for the safety of Customers.
- 5.3.3. An Authorisation Holder shall provide general instruction manual to customers on how to use any purchased product and service.
- 5.3.4. An Authorisation Holder shall make available Electronic Programme Guides (EPG) to provide additional programme information and its accompanying printed guides where possible.

- 5.3.5. Filtering technology (for instance, parental locks with PIN access) should be made available to protect younger viewers and limit access to unwanted content.
- 5.3.6. An Authorisation Holder shall ensure that their third party agents provide instruction manual for all products and services.
- 5.3.7. Where applicable charges/fees for after sales support shall be clearly explained to customers.

5.4. Quality of Service

- 5.4.1. An Authorisation Holder shall endeavour to give advance notice of anticipated service disruptions including details of the disruption or outage, the affected services and any applicable compensation or other remedies.
- 5.4.2. An Authorisation Holder shall notify Subscribers of any possible planned outages/maintenance that could affect services availability at least 48 hours in advance to Customers.
- 5.4.3. An Authorisation Holder shall put in place mechanisms to provide technical support and Fault Repairs 24 hours a day to Customers and shall apply due skill, diligence, and expertise in the repair and maintenance of service.
- 5.4.4. An Authorisation Holder shall comply and shall cause their third party agents to comply with the relevant fault repair standards set out in the Authority's Quality of Service Guidelines.
- 5.4.5. In the event of force majeure such as floods and storms an Authorisation Holder shall endeavour to rectify the fault within such period of time as may be reasonable in the circumstances.
- 5.4.6. An Authorisation Holder shall provide a comprehensive Root Cause Analysis including measures put in place to avoid reoccurrence in case of emergency to the Authority.

5.5. Information on changes in subscription rates and other fees

- 5.5.1. The Authorisation Holder shall not make amendments to its subscription/service rates without a four (4) week written notification to the Authority.
- 5.5.2. When requested by the Authority, Authorisation Holders shall provide the basis for the change in rates.
- 5.5.3. An Authorisation Holder shall within two (2) weeks before introducing the new rates publish in three national newspapers including the Daily Graphic and the Ghanaian Times.
- 5.5.4. An Authorisation Holder shall notify Customers about the state of their subscription three times before expiry via SMS and the messaging platform of the subscription where applicable.
- 5.5.5. Customers shall be informed of any applicable penalty fees for suspension, restoration and termination of a service.

5.6. Customer Data Protection and Access

- 5.6.1. The Authorisation Holder shall ensure that the right procedures and processes are in place to protect and secure the personal details of Customers from unauthorised use and disclosure.
- 5.6.2. Authorisation Holders shall ensure retention of customer data and transaction for as long as a contract exists.
- 5.6.3. Customers shall have access to their data (personal and transactional) held by the Authorisation Holder.

5.7. Services to the elderly and persons living with various disabilities

- 5.7.1. An Authorisation Holder shall ensure that the elderly and persons living with various disabilities shall have priority service.-

5.8. Code of Practice/Complaint Redress

- 5.8.1. The Authorisation Holder in consultation with the Authority will prepare and publish a Customer Complaints Code not later than three (3) months after the Effective Date, a Code of Practice with particular reference to the Electronic Communications Regulations 2011(L.I. 1991) Section 117 (2). The Code of Practice shall contain the following:
 - 5.8.1.1. Complaints form – a form approved by the Authority for the making of complaints
 - 5.8.1.2. A written complaints code of practice to be known as Customer Complaints Code which shall be short and easy to understand and contain relevant information about the complaints handling procedure of the operator including:
 - 5.8.1.2.1. Guidance to customers in respect of complaint management relating to the provision of service and the time frame for handling complaints.
 - 5.8.1.2.2. Advice to customers on charging, billing and enquiries.
 - 5.8.1.2.3. Advice and procedures on the proper use of the service by customers.
 - 5.8.1.2.4. Contact details of the Service Provider for complainant to lodge complaints including a Toll- free number.
 - 5.8.1.2.5. Information to the complainant on the right to lodge complaint with the National Communications Authority with the contact details.
- 5.8.2. Code of Practice should be well publicised on the website of the Authorisation Holder.
- 5.8.3. Hard copies of the approved Customer Complaints Code to be provided to subscribers entering into contract and for complainants at their request.
- 5.8.4. The Authorisation Holder shall submit Customer Service Agreements containing the Terms and Conditions for the provision of Licensed Service to the NCA on an annual basis.

5.8.5. Authorisation Holders shall ensure the resolution of complaints and service requests in accordance with the time frame as specified in their Authorisation and where time limit is not provided, complaints and service requests by Customers shall be addressed within thirty (30) days.

6. Warranty

6.1.1. All warranty and service level agreements must clearly be communicated to Customers in a language that they understand.

6.1.2. The information shall include:

- Warranty scope
- Warranty Period; start and end date
- Claim and return procedure
- Warranty exclusions

7. Call Centre Assistance

7.1.1. An Authorisation Holder shall be required to establish a Call Centre which will be accessible (Twenty –four hours (24 hrs.) daily to all Customers.

7.1.2. An Authorisation Holder shall provide a toll free number and or a regular number for the Customers to contact when necessary.

7.1.3. An Authorisation Holder shall indicate whether or not the numbers are free to call, shared cost or the Customer bares the cost.

7.1.4. An Authorisation Holder shall provide both Outbound Call Assistance (contact customers either in response to a customers' call or to offer new information) and Inbound Call Assistance where the customer calls the call centre for assistance.

7.1.5. An Authorisation Holder shall put in place mechanisms to reduce the number of minutes the subscriber will employ to get through to an agent.

7.1.6. Where applicable, an Authorisation Holder shall implement a virtual queuing system to avoid customers waiting on phone for a long time to get through to an agent.

7.1.7. An Authorisation Holder shall ensure their Agents answer their calls with great sense of urgency. Calls shall be handled in a proper and professional manner.

7.1.8. The Authorisation Holder shall ensure that the agents adheres to all the policies and procedures in order to efficiently and effectively handle subscriber query.

7.2. Call Centre Staff

7.2.1. An Authorisation Holder shall ensure that their customer care staff are duly trained to provide quality customer care services to customers in areas such as installations, fault reporting, billing etc. in line with L. I 1991 and other governing legislations and directives and shall have in place a proper monitoring tool to access the performance of the agents.

- 7.2.2. An Authorisation Holder shall provide assistance in local languages to aid persons who are unable to express themselves in the English Language.

7.3. Service Centres

- 7.3.1. An Authorisation Holder shall establish walk- in Customer Care Centres to assist customers.
- 7.3.2. The Customer Care Centres shall be very conspicuous to the general public.
- 7.3.3. An Authorisation Holder shall provide the list of Customer Care Centres, their operational periods and their respective telephone numbers to their subscribers.
- 7.3.4. The Customer Care Centres shall have clear directional signs to the various locations for ease in locating them.
- 7.3.5. An Authorisation Holder shall ensure that the agents are equipped with the requisite knowledge on their products, services and promotions in order to effectively handle subscribers' queries.
- 7.3.6. An Authorisation Holder shall ensure that the Customer Care Representative adheres to all the policies, procedures in order to efficiently and effectively handle subscriber query.

7.4. Interactive Voice Response (IVR) System

- 7.4.1. An Authorisation Holder shall ensure that calls routed to the Interactive Voice Response System or IVR, if installed on a "Customer Care Number", is operated in the following manner:
 - 7.4.2. All calls to customer care numbers shall be answered within one (1) minute.
 - 7.4.3. The duration of the IVR to the selection of an option should be at most 30 seconds.
 - 7.4.4. The first level of the IVRS shall provide for language selection.
 - 7.4.5. All levels of the IVR shall also contain an option enabling the Customer to speak to a Customer care agent;
 - 7.4.6. The IVR should not have more than four levels in line with international best practices.

7.5. Self-Care Portal for Customer Service

- 7.5.1. An Authorisation Holder shall within one (1) month of the implementation, establish a self-care portal which can be easily accessed without cost.
- 7.5.2. The self-care portal shall:
 - 7.5.2.1. Be easy to navigate and understand.
 - 7.5.2.2. Enable Customers monitor the status of their accounts and manage accounts.
 - 7.5.2.3. Where possible enable customers lodge complaints.

8. Customer Obligations

- 8.1. The Customer shall read all the Terms and conditions of services and promotions before patronising them.
- 8.2. The Customer shall consider FAQs on all products and services before utilising them.
- 8.3. Customers shall abide by all the rules and regulations governing service delivery.
- 8.4. The Customer shall contact an Authorisation Holder's Customer Care support for assistance on only issues regarding the services that are provided by the Authorisation Holder.
- 8.5. The Customer shall report every flaw in the service provision to the Authorisation Holder and consequently to the Authority if not satisfied with the resolution.
- 8.6. Customers shall undertake to pay their bills on time.
- 8.7. Customers shall be professional in their dealings with the Customer care Representatives.
- 8.8. The Customer shall be very assertive and know his/her rights and obligation in order to receive fair treatment from an Authorisation Holder.
- 8.9. The Customer shall know that persons living with various disabilities have the priority of being served earlier.

9. Terms and Conditions

- 9.1. Authorisation Holders shall have detailed Terms and Conditions for all service offerings; bouquets, products and promotions and which shall be published on the Authorisation Holder's website.
- 9.2. Authorisation Holders shall notify all customers of the terms and conditions associated with the various services and, customers shall be directed to the operators website for the detailed Terms and Conditions.
- 9.3. Amendments made on the Terms and conditions shall be communicated to customers at least one month prior to its implementation. The terms and conditions shall not impact negatively on the Customers' rights and shall have:
 - The start and end date of the service or promotion stated clearly.
 - The duration of the service or promotion stated clearly.
 - The subscription process clearly stated.
 - The Eligibility of subscription.
 - The Cancellation process.
 - The billing mechanisms clearly explained.
 - A listing and definition of all fees associated with the service or promotion.
 - All incentives to be enjoyed by Customers stated.
 - Listing and explanation of existing services and offers that may cease when Customers subscribe for the promotion.
 - The Fair Usage Policy for that particular service/promotion.
- 9.4. Under no circumstances shall Authorisation Holders include a clause within their terms and conditions to arbitrarily change such terms and conditions.
- 9.5. Billing methods and cycle shall be clearly explained to Customers.

10. Enforcement, Sanctions and Penalties

10.1. Enforcement Notice

10.2. Where the Authority is of the opinion that any Authorisation Holder is operating contrary or contravening any provision of these guidelines, an Authorisation Holder may be served an enforcement notice requiring the Holder to take remedial action as may be specified.

11. Sanctions and Penalties

The Authority reserves the right to place appropriate sanctions on defaulting Authorisation Holders including but not limited to imposition of Fines for:

- Any violation of these guidelines
- Failure to provide information required or providing information which is false or misleading.

12. Resolution of Disputes and Appeals against Enforcement Notice

In the event that an Authorisation Holder on whom an enforcement notice is served does not agree with the views of the Authority set out in the enforcement notice, an Authorisation Holder shall submit itself to the disputes resolution and appeal procedures of the NCA as set out in section 84 to 87 of the Electronic Communications Act, 2008 Act 775.

13. Power to Amend

13.1. The Director General may, if he considers it is in the public interest to do so, vary this guidelines in accordance with the Broadcasting Laws.

13.2. Without prejudice to the aforesaid, the Director General may vary this guideline in writing to an Authorisation Holder at any time.

14. Effective Date

This guideline on Customer Care for Pay TV shall be effective on the date of its issue as stated below:

Issued by the National Communications Authority of Ghana

Director General

Date of Issue