

# Complaints about EWON: Procedure

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## Background

The Energy & Water Ombudsman NSW (EWON) provides a free, fair and independent dispute resolution service for all electricity and gas customers in New South Wales, and some water customers. Our service is underpinned by our focus on continuous improvement and we understand that from time to time we may receive complaints about our service. These complaints provide us with valuable feedback and an opportunity to review and improve our systems, communication and processes.

EWON complies with the Benchmarks for Industry-Based Customer Dispute Resolution offices and the AS/NZS10002:2014 Guidelines for Complaint Management in Organisations. Accordingly, EWON ensures that:

- its internal complaint handling policy, procedures and objectives are established within the organisation and promoted across the office
- information about the complaint handling policy is easily accessible and communicated in an easy to understand manner to EWON customers, members and other stakeholders
- the General Manager Investigations also manages complaints about EWON's service and is empowered with clearly defined responsibilities and authority to resolve complaints
- there is a process in place for timely and appropriate notification to senior management of any significant complaints or systemic issues identified through complaints
- there is a process for regular reporting on complaint handling; and
- complaints about EWON's service are managed effectively and addressed holistically.

## How are complaints managed?

All complaints are accepted openly, treated seriously and investigated fairly, independently, and on a timely basis. EWON will acknowledge complaints and appropriate action will be taken to address any error or mistake. If a complaint has not been upheld, this will be communicated clearly and concisely. EWON utilises feedback to prevent further complaints.

An Internal Complaint Register is maintained and information about actions, findings and outcomes are summarised in the Register. The Ombudsman's Report to each Board meeting will indicate the number of active complaints being investigated by the General Manager Investigations or the Ombudsman about EWON and a summary of the outcomes of any such complaints that have been finalised since the previous report.



## What is a *Complaint* about EWON?

A complaint can be made to EWON regarding any aspect of our services.

Complaints about EWON fall within five broad categories:

1. Complaints about case management
2. Complaints about case closure on the basis of no further investigation
3. Complaints about privacy including the acquisition, retention and provision of personal information
4. Complaints about jurisdictional decisions; and
5. Complaints about the day-to-day operation of EWON.

### How can a complaint be made?

A complaint can be made by telephone, in writing or in person.

### What are the timeframes for handling complaints?

A complaint will be acknowledged within two business days following receipt.

The Ombudsman will be informed of the complaint within five days of its receipt. However, the Ombudsman must be informed within two days of receipt of a complaint:

- about an EWON Manager or General Manager; or
- alleging serious misconduct by an EWON staff member; or
- threatening legal action against EWON.

We aim to finalise the investigation of a complaint within 20 business days. If there is a delay in finalising a complaint, a written or verbal update will be provided, including reasons for the delay.

## 1. How do we handle Complaints about Case Management?

### Verbal complaints

Complainants are asked to initially raise their complaint about the handling of a case with the Investigations Officer who is managing their case. This is the standard approach and most issues will be resolved by taking this approach.

The Investigations Officer will record the complaint in the case file and endeavour to resolve the matter directly. The Investigations Officer may resolve the complaint by providing:

- information about the management of the case, verbally or in writing
- information about EWON's policies and procedures.



The Investigations Officer must notify their Manager of the complaint and how it has been addressed, within 24 hours of receipt of the complaint.

## Written complaints

If the complaint is made in writing, an Investigations Manager must initially review the complaint before delegating it, if appropriate, to an Investigations Officer.

## Escalating the complaint

If a complaint has not been resolved in the first instance, the Investigations Officer must escalate it to their Manager. This should occur when the complainant:

- is not satisfied with the approach taken to address their complaint;
- asks to speak with a Manager; or
- raises serious concerns about the conduct of a staff member.

If the complainant does not feel comfortable in raising the complaint initially with the Investigations Officer, the complainant has the right to ask for their complaint to be escalated to the relevant Investigations Manager. If the Investigations Manager is unable to resolve an escalated complaint, it must be raised with the General Manager Investigations within 24 hours of the Manager trying to resolve the complaint.

## What if the customer is not satisfied with the Investigations Manager's handling of the complaint?

If the complainant is not satisfied with the handling of a complaint by the Investigations Manager and it has been escalated to the GM Investigations, the GM Investigations may make any of the following recommendation to the Ombudsman:

- the complaint should be handled via EWON's Internal Review Process
- the complaint should be closed with a letter summarising the reasons for closure
- the complaint is escalated to the Ombudsman for further review.

When informing the Ombudsman about an escalated complaint, the General Manager Investigations will provide a briefing outlining:

- the details of the complaint from the complainant's perspective;
- the outcome sought by the complainant;
- an overview of case management;
- the staff member's account of the issues raised;
- member's information about the complaint from its perspective
- adherence or otherwise to EWON's policies and procedures.

This action will be recorded in the Complaints Register.

## Outcome of Complaints about Case Management

Complaints may be resolved through the provision of one or more of the following:

- information about the management of the case, verbally or in writing
- information about EWON's policies and procedures
- advice that EWON's processes will be improved to prevent a recurrence in future
- advice of staff training/coaching to prevent a recurrence; and/or
- a verbal or written apology.

The outcome of the complaint will be confirmed in writing. The Complaints Register will be updated with the details of how the complaint was resolved and finalised.

### Improvement to EWON services

Following finalisation of the complaint, the EWON staff involved will be provided with a summary of the review, any findings and the resolution provided to the complainant. Staff performance issues, if identified, will be addressed through coaching and development of if necessary, via EWON's performance management process.

EWON's systems, policies and processes will be updated as required and training provided to all relevant staff.

## 2. How do we handle complaints about case closure on the basis of No Further Investigation?

A complainant may be dissatisfied about the closure of a case where the investigation has addressed the merit of the complaint; and/or a decision has been made that no further investigation will be undertaken because a fair and reasonable offer to resolve the complaint has been declined by the customer.

EWON complies with the rules of procedural fairness. During an investigation, the Investigations Officer will provide a customer with details of the information reviewed. This provides the complainant with opportunities to respond and to provide additional information for review. If at the end of this shuttle process, the complainant remains dissatisfied, the Investigations Officer will provide a written Assessment Report to the complainant which provides a detailed, clearly written explanation of the investigation and the Investigations Officers assessment of how the member has offered to resolve the complaint.

The Assessment Report provides the complainant with a final opportunity to respond and provide information for the Investigations Manager to consider before making a decision about future investigation or closure on a no further investigations basis. If the latter occurs, a no further investigation letter will be sent and will include details about how the complainant can seek to have an Internal Review undertaken. The Internal Review is of the investigation process to ensure that it was completed in accordance with procedural fairness, EWON's case handling policies and without bias, omission or error. It is not a re-investigation of the complaint.

Please refer to EWON's Internal Review Policy for further details.



### 3. How do we handle complaints about privacy including the acquisition, retention and provision of Personal Information?

EWON complies with the Australian Privacy Principles (*Commonwealth Privacy Act 1988*) with respect to the collection, retention, storage and disposal of personal information. EWON respects the privacy and confidentiality of the people who access our services and who may make complaints about our service.

If a complainant requests a copy of the investigations file relevant to their complaint, this request should be immediately escalated to an Investigations Manager for review with the General Manager Investigations. In the first instance, the complainant will be contacted to discuss the request to determine if dissatisfaction with EWON service is the basis of the request. If this is the case, the complaint about EWON will be addressed in accordance with this policy, and every effort will be made to continue the investigation.

If the complainant remains of the view that the matter will be resolved with provision of the investigation file, the investigation will be finalised and a copy of the investigation file will be provided to the complainant in accordance with EWON's Privacy Policy and Process. A copy of EWON's privacy policy is available via EWON's website:

<http://www.ewon.com.au/ewon/assets/File/EWON%20Privacy%20Policy.pdf>.

### 4. How do we handle complaints about jurisdictional decisions?

EWON is generally the only accessible and cost-free dispute resolution forum available to customers for matters which fall within its jurisdiction. Accordingly we take an inclusive approach when considering whether complaints fall within jurisdiction as stated in paragraph 5 of EWON's Charter.

The Ombudsman is the only person who can make a final decision about whether or not a complaint falls within EWON jurisdiction although Investigations Officers and Managers are full trained to assess whether a complaint falls outside of EWON's jurisdiction. Where this occurs, EWON will advise the complainant of the reasons for this, verbally or in writing. In the event of a jurisdictional dispute, the Ombudsman will make that decision.

A complainant or member may request a review of EWON's jurisdictional decision. The General Manager Investigations must be advised of any request as soon as practicable so that they can review the information provided and advise the complainant or member of the outcome. Where the GMI concludes that EWON does not have jurisdiction to investigate a complaint, the complainant will be advised that they can request a review of this decision by the Ombudsman.

If the Ombudsman determines that the complaint is not within EWON's jurisdiction to investigate, the complainant will be advised in writing within two weeks. Where appropriate, this will include a referral to an appropriate body where the customer may lodge the complaint. If the Ombudsman determines that a complaint is within jurisdiction, the customer may be advised verbally.

If an EWON member rejects the view of the General Manager Investigations, a senior executive from the member may formally request that the Ombudsman review the decision. The member is expected



to provide a written submission to the Ombudsman detailing the basis for its view that EWON does not have jurisdiction to investigate. This should include the member's own legal opinion.

## 5. How do we handle complaints about the day-to-day operation of EWON?

Consumers, members or other individuals may raise complaints about any aspect of EWON's operation such as its outreach, promotional material or recruitment decisions. EWON officers must immediately forward these complaints to their manager for review and discussion with the Ombudsman. An initial and/or final response will be provided verbally or in writing within two weeks.

If the complainant is not satisfied, a request for Ombudsman review should be made in order for the Ombudsman to further review and respond to the matter.

## Effectiveness of this process

A copy of this Procedure as well as the Complaints about EWON Policy is available on EWON's website. A hardcopy will be provided on request. EWON will review the operation of the Complaints about EWON Procedure as required and at least every 36 months. The Board will be informed of about any changes to the Procedure.

Effective Date	Next Review	Owner
March 2018	March 2020	Investigations

Name	Position	Signature	Date
Janine Young	Ombudsman		3/4/2018