



Energy & Water
Ombudsman NSW
Free, fair and independent

Internal Complaint Handling Policy

Energy & Water Ombudsman NSW

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Energy & Water
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Fax 1800 821 291
Free Call 1800 246 545

Web ewon.com.au
Email omb@ewon.com.au

ABN 21079718915
Post PO Box A2436 Sydney South NSW 1235



Policy Statement

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. 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.

Registering a complaint

Customers, authorised customer representatives, members or other stakeholders can register a complaint; in fact anyone who has accessed, or been denied access to EWON's complaint handling service should register a complaint with EWON.

An Internal Complaint Register is maintained and information about actions, findings and outcomes are summarised in the Register. The Ombudsman's report to each EWON Board Meeting will include information about complaints reviewed by the Ombudsman during the period which the report covers. Complaints managed via EWON's Internal Review Process may be included as case studies in the EWON Annual Report.

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.

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 receipt of the complaint. A comprehensive verbal or written response will be provided by close of business, seven days after acknowledgement of the



complaint. We aim to finalise the investigations within 21 business days. If there are delays in finalising a complaint, they will be communicated including reasons for the delay.

Internal Complaint Categories

Complaints about EWON fall within six 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;
5. Complaints about the operation of EWON; and
6. The role of the EWON Board

1. Complaints about Case Management

Customers and other 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 is required to notify their Manager of the complaint (verbally or in writing) and how it has been addressed, within 24 hours of receipt of the complaint.

Where 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; and
- raises serious concerns about the conduct of a staff member.

When a customer does not feel comfortable in raising the complaint initially with the Investigations Officer, the customer also has the right to ask for the complaint to be escalated to the relevant Investigations Manager.

Further, when a customer makes a formal complaint in writing by email, complaint form or letter an Investigations Manager must initially review the complaint before delegating it, if appropriate, to the named Investigations Officer.

Where an Investigation 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.

The Ombudsman must immediately be informed about complaint where a complainant:

- complains about an EWON Manager;
- alleges serious misconduct by an EWON staff member; and/or
- threatens legal action against EWON.

When informing the Ombudsman about an escalated complaint, the General Manager Investigations Manager 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.

Outcome of Complaints about Case Management

The complainant will be informed of the outcome of EWON's review of the complaint within 7 days of acknowledgement of the complaints. For complaints which have been escalated to the General Manager Investigations, this timeframe may be extended to 15 days.

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 Complaints register will be updated and include confirmation that the customer is satisfied with the outcome and the matter will be finalised. If the outcome was advised verbally, it must be confirmed in writing.

Where the complainant is not satisfied with the handling of a complaint by an Investigations Manager and it has been escalated to the GM Investigations, the GM Investigations will make a recommendation to the Ombudsman about whether the complaint should be handled via EWON's Internal Review Process, closed with a letter summarising the reasons for closure or escalated to the Ombudsman for further review. This will also be recorded in the Complaints Register.

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. Complaints about Case Closure on the basis of No Further Investigation

A customer may complain 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. The customer is provided with an opportunity to respond and to provide additional information for review. If at the end of this shuttle process, the customer remains dissatisfied, the Investigations Officer will provide a written Assessment Report to the customer 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 will provide the customer 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 customer 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. 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.

Where a customer 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 customer 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.

Where the customer 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 customer 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/page/privacy>

4. 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 with 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 complaints falls within EWON jurisdiction although Investigations Officers and Managers are fully trained to assess whether a complaint falls outside of EWON's jurisdiction. Where this occurs, EWON will advise the customer of the reasons for this, verbally or in writing. In the event of a jurisdictional dispute, the Ombudsman will make that decision.



A customer 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 customer 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 customer will be advised in writing within 2 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. Complaints about the operation of EWON or the Ombudsman

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 2 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.

6. The role of the EWON Board with respect to complaints

The Board does not review complaints about specific complaints, investigation outcomes, jurisdictional decisions or the day to day operation of EWON. In accordance with EWON's Constitution, this is the responsibility of the Ombudsman.

It is the role of the Board to appoint the Ombudsman. Therefore a complaint alleging misconduct by the Ombudsman or about the Ombudsman's capacity to perform their role independently or satisfactorily should be made in writing and will be immediately referred to the Chair of the Board for response.

Further Information

A copy of this Policy is available on EWON's website. A hardcopy will be provided on request. The EWON Board will review this policy as required and at least every 12 months.

Janine Young
Ombudsman
Energy & Water Ombudsman NSW