



ENERGY AND WATER  
OMBUDSMAN  
Victoria **Listen Assist Resolve**



# Final Stage Complaints – Information for Scheme Participants

ENERGY AND WATER OMBUDSMAN (VICTORIA)

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## This complaint has now been upgraded to Final Stage.

Final Stage is the highest level of complaint registered by EWOV, and is the final opportunity for the parties to reach a negotiated outcome.

It is important that scheme participants ensure their senior management reviews all Final Stage complaints. The fact that a complaint has reached Final Stage means that:

- the matter has remained unresolved at Stage One, Two and Three
- EWOV believes the matter warrants further investigation
- if the participant does not meet the merits of the complaint and the matter remains unresolved, it will be referred to the Ombudsman for a Binding Decision to be made.

## What happens at Final Stage?

Initially, EWOV handles Final Stage complaints in much the same way as Stage One, Two and Three complaints. EWOV still provides the scheme participant with an opportunity to respond to the outstanding issues. EWOV also provides the parties with the opportunity to continue negotiating, if the scheme participant's response does not resolve the matter.

However, there are some key differences in the handling of Final Stage complaints.

## How is a Final Stage complaint different to a Stage One, Two or Three complaint?

### *Request for a response*

EWOV's initial email to scheme participants for Final Stage complaints asks them to respond within seven days, either:

- providing a full response to the issues raised and confirming that they wish to continue negotiating with the customer; or
- confirming that they wish to have the matter proceed directly to a Binding Decision.

This is a very important decision for a scheme participant to make, and it should be made following consultation with senior management within its business.

It is important to be realistic in making this decision – the scheme participant should consider its position, the customer's position, and EWOV's assessment of the merits of the complaint. The fact that the matter has been upgraded to Final Stage means that EWOV believes the complaint has merit and considers that further investigation is warranted.

## Costing structure

Final Stage complaints have a different costing structure to Stage One, Two and Three complaints. While Stage One, Two and Three complaints have a fixed fee applied per complaint, Final Stage complaints are billed to the scheme participant based on the amount of time (at a per minute rate) EWOV spends working on the complaint. This means that the sooner a matter is resolved, the less additional cost the scheme participant will incur. A scheme participant may consider this, in deciding whether it wishes to settle, continue negotiating or proceed directly to a Binding Decision.

## What happens after the initial response is provided?

If the scheme participant elects to proceed straight to a Binding Decision, EWOV will complete any outstanding investigations and refer the matter to the Ombudsman.

If the scheme participant provides a full response and wishes to continue negotiating, EWOV will continue with its investigation.

## How long can the parties negotiate at Final Stage?

EWOV will seek to finalise a complaint at Final Stage within 90 days – either by negotiating an outcome, closing the complaint on the basis that a fair and reasonable offer has been made by the scheme participant, or referring the matter to the Ombudsman for a Binding Decision to be made.

However, EWOV can be flexible with this timeframe, and focuses on two things:

- Conciliate, conciliate, conciliate
  - EWOV always seeks to achieve conciliated outcomes, and will not refer a matter for a Binding Decision if there is a realistic possibility of reaching a negotiated outcome within a reasonable timeframe.
- Are the parties genuinely willing to negotiate?
  - At Final Stage, EWOV will be continually assessing the willingness of both parties to continue negotiating. If the parties remain apart in their positions and either one or both parties appears unwilling to negotiate further, EWOV will refer the matter to the Ombudsman for a Binding Decision to be made.

## What is a Binding Decision?

If a negotiated outcome cannot be achieved at Final Stage, and EWOV does not believe the scheme participant's resolution proposal has met the merits of the complaint, the matter will be referred to the Ombudsman for a Binding Decision to be made. A Binding Decision is a determination by the Ombudsman which, if accepted by the customer, is binding on the scheme participant. Binding Decisions are publicly published, with the names of both parties de-identified.

Once a matter is referred to the Ombudsman, the Binding Decision will be finalised within 60 days.