

**Same Customer Same Issue Policy
August 2018**

BACKGROUND

The Energy and Water Ombudsman (Victoria) (EWOV) complies with the *National Benchmarks for Industry-Based Customer Dispute Resolution and Key Practices for Industry-Based Customer Dispute Resolution (March 2015)*¹In doing so, EWOV has developed case handling policies and procedures to ensure that its services are accessible to customers.²

This following policy details if and when EWOV will reopen a complaint or register a new complaint from the same customer on the same issue.

SCOPE OF THIS POLICY

This policy applies to complaints closed on the basis of:

- Conciliation
- Failure by the customer to make payments towards outstanding charges in line with EWOV's Payment of Undisputed Amounts Policy
- Failure by the customer to provide documents or information relevant to the investigation
- If the customer does not stay in contact with EWOV or respond to contact attempts

This policy does not apply to complaints closed where in EWOV's view:

- the complaint has insufficient merit to warrant further investigation or
- the provider has made a fair and reasonable offer that appropriately addresses the merits of the complaint, but the customer has not accepted that offer.

Where a complaint has been closed for these reasons, any customer wishing to have the matter reopened or reinvestigated must apply for an Internal Review under EWOV's Internal Complaint Handling Policy.

EWOV POLICY

Conciliation staff will consult with their Team Manager (TM) in applying this policy.

¹ <https://treasury.gov.au/publication/benchmarks-for-industry-based-customer-dispute-resolution/>

² However, in order to maintain independence and fairness, EWOV also needs to ensure that its resources are used appropriately and its processes are not abused. In certain circumstances it is appropriate for EWOV to limit access to its services.

Where a customer contacts EWOV following the closure of their investigated complaint, to request that the matter be reopened or reinvestigated, the following approach will be taken:

Reopen the complaint

EWOV will only reopen the closed complaint if:

- the customer recontacts EWOV within 30 days of the complaint being closed and
- the relevant TM is satisfied that further investigation of the issues raised is warranted.

If the reason the customer recontacts EWOV is because the provider has not followed through with the resolution, as well as the case being reopened, the complaint will also be upgraded.

Register an Assisted Referral

EWOV will refer the customer to a higher level contact at the provider if:

- the customer recontacts EWOV more than 30 days after the complaint closure and
- the customer has not had any contact with the provider, or has had one further contact with the provider at the call centre level, since the complaint closure.

Register a new investigated complaint

EWOV will register a new investigated complaint if:

- the customer recontacts EWOV more than 30 days after the complaint closure and
- the customer has had two or more further contacts with the provider since the complaint closure and
- the relevant TM believes that further investigation of the customer's concerns is required.

In considering whether further investigation is warranted, a TM will have regard to the customer's circumstances. Where a customer's circumstances have changed, even if the underlying issue remains the same, EWOV will generally investigate the matter.

ADDITIONAL CONSIDERATIONS

EWOV considers additional factors when assessing whether to reopen a complaint in the following circumstances:

Complaint closed due to no contact from the customer

If a complaint is closed because a customer doesn't stay in contact with EWOV or respond to contact attempts, the customer will be required to provide an adequate explanation for not contacting EWOV when requested (e.g. did not receive EWOV correspondence, was on leave, was unwell etc.). The TM must be satisfied with the reasons provided by the customer for not contacting EWOV when requested.

Disconnection/Restriction and Financial Hardship

EWOV will aim to achieve sustainable outcomes for all hardship complaints, to prevent customers from experiencing future disconnection and thus requiring future EWOV assistance. Where a customer's circumstances change so as to impact upon their ability to meet previously agreed payment levels, the complaint will be reopened or a new complaint registered.³

However, where a customer recontacts EWOV to advise that they have been disconnected / restricted again or have been threatened with disconnection / restriction and:

- it relates to the same supply (electricity, gas or water) as the previous complaint
- it is due to a failure to make regular affordable payments towards their account and
- their circumstances remain unchanged from the previous complaint

EWOV will usually require that an affordable⁴ payment be made by the customer towards the account prior to any action being taken. EWOV will also require the customer to provide an undertaking to make regular affordable payments and seek the advice of a financial counsellor during the course of the investigation.

EWOV may require a customer to provide proof of payment (eg. a receipt number) if the TM considers this is appropriate and necessary in the circumstances.

EWOV may delay arranging reconnection of supply or suspension on disconnection / restriction action until this proof has been provided.

Where a complaint is reopened or a new complaint is registered in these circumstances, EWOV must promptly (within two weeks) arrange for:

- a financial counsellor assessment
- an energy audit
- attendance at the site visit by both EWOV and the provider where appropriate to expedite complaint resolution

Complaint closure letters must clearly outline the agreed outcomes for these complaints with a requirement for the customer to maintain contact with the provider in the future so that if circumstances change, they can agree on new ways forward.

Assessment of wrongful disconnection

In the case of an investigation regarding the disconnection of gas or electricity, EWOV will investigate the question of whether the disconnection was carried out in accordance with the terms and conditions of the customer's contract and whether the Wrongful Disconnection Payment is applicable. In the case of an Assisted Referral regarding the disconnection of gas or

³ For questions to guide decision making about reopening complaints relating to disconnection issues, see Appendix 1.

⁴ EWOV will make an assessment of what an affordable payment would be, having regard to any relevant circumstances. Such circumstances may include previous complaint outcomes including any previously agreed payment arrangements, any financial counselling advice received by either EWOV or the customer, and the customer's advice regarding what they can afford to pay.

electricity, EWOV will refer the question of whether the disconnection was carried out in accordance with the terms and conditions of the customer’s contract to a higher level provider contact.

See also Appendix 1 – Questions about Disconnection.

Failure to make payments/failure to agree to make payments

If we think it is reasonable for the customer to pay some or all of the participant’s charges and the customer refuses to pay this amount, the matter will be registered as a referred complaint and handled according to EWOV’s standard case handling processes. No further action will be taken by EWOV and the customer will be free to pursue their complaint in another forum.

Assessment of wrongful disconnection

In the case of disconnection of gas or electricity, EWOV will refer the question of whether the disconnection was carried out in accordance with the terms and conditions of the customer’s contract to a higher level member contact and register the matter as Assisted Referral.

Reopening/Registering of complaints on multiple occasions

Sometimes customers contact EWOV on multiple occasions regarding the same issue/complaint. Where a complaint has been reopened or a new complaint registered and then subsequently closed because a customer has not participated (eg. failure to make payments, provide information or remain in contact), EWOV will not automatically provide further assistance should the customer recontact EWOV.

If the TM is satisfied that the circumstances of the customer and the nature of the complaint remain the same and there are no extenuating circumstances, the TM will recommend to the General Manager Operations that EWOV doesn’t handle the complaint (as per clause 3.10 of EWOV’s Charter). The customer will be advised in writing of EWOV’s decision and the reasons for the decision. An Assisted Referral will be registered and EWOV will strongly recommend to the customer to engage with the provider, noting that it will usually be the customer’s last opportunity to come to an agreed sustainable outcome.

Document history

Action and Date	Updated By
Updated : June 2013	JVE
Updated : August 2018	HMN

Appendix 1

Questions about Disconnection

These questions are intended to guide decision making regarding opening complaints for customers who have come to EWOV on more than one occasion about disconnection issues. They are particularly relevant to customers who are in the position of being taken off provider hardship programs following non-payment or non-cooperation with previously agreed actions.

PROVIDER CONTACT

What contact has the provider had with the customer?

- Was the customer on a provider hardship program prior to notice of disconnection / disconnection?
- How many times had the provider contacted the customer to discuss account issues?
- How were those contacts initiated and carried out?
- Were the contact efforts appropriate for the customer's circumstances?
- How many opportunities has the customer been given by the provider to rectify the issue and what were the proposed solutions?

CUSTOMER SITUATION

What is the customer's case history with EWOV?

- How many enquiries?
- How many referred complaints?
- How many investigated complaints?
- What were the issues of all of the above? Do they appear to be issues similar to the current issue?
- What were the outcomes of any investigated complaints?
- Did the investigated complaint/s include an energy audit and session with an independent financial counsellor?
- Did the customer appear in previous investigations to fully participate?
 - What was the customer's payment history during the investigations?
 - Did they contact EWOV as requested?
 - Was the complaint closed due to non contact?
- How many payments have they made since the payment arrangement was agreed on (require substantiation in most cases)?

Has the customer provided EWOV with information about why there has been no contact (where applicable)?

- Where applicable the customer needs to be asked detailed questions about:
 - why they have not participated in previous investigations
 - why they did not previously contact EWOV when requested
 - why they have made no good faith payments (if this is the case)
 - what contact have they made with the provider

Have the customer's circumstances changed?

- Has there been an income change which will impact on capacity to pay?
- Have the customer's housing arrangements changed which may impact on capacity to pay (rent etc) or energy usage?

- Have there been any other energy usage changes which may have impacted capacity to pay (change appliance use etc)?
- Have there been any changes to the customer's family situation which may impact capacity to pay?

With respect to the last resolution / agreed outcomes prior to no contact:

- Did the customer stick to the plan?
- How long did the customer adhere to the plan?
- Did the customer cancel agreed outcomes (ie Centrepay cancelled)

All of this information should enable an informed decision to be made as to whether EWOV should reopen the complaint / open a new complaint.