

Energy and Water Ombudsman (Victoria) Case Registration Procedure¹

September 2014

This document is to be read in conjunction with EWOV's [No Contact/Suspension of Collection Activity Policy](#), [Same Customer Same Issue Policy](#) and [Enquiry and Complaint Communication Process](#).

Overview

When a customer contacts EWOV, the staff member handling the call considers the following to determine how the case is registered:

- Is the customer's matter within [jurisdiction](#)?
- Is the matter an [enquiry](#) or a [complaint](#)?
- Has the customer [attempted](#) to resolve the matter with the scheme participant? If so, how many times and with whom at the scheme participant?

Based on the above there will be the following case registration possibilities:

| EWOV has jurisdiction ? | Enquiry or Complaint? | Attempts | Outcome |
|---|-----------------------|--------------------------|---|
| No | Enquiry | N/A | Enquiry [^] |
| No | Complaint | 0 | Unassisted Referral (UR) |
| Yes | Complaint | 1 or more | Assisted Referral (AR)* |
| Yes | Complaint | Failed AR | Real Time Resolution (RTR) |
| Yes | Complaint | Failed RTR | Investigated Complaint (Batch or Stage 2) |

[^] All complaints and enquiries that are about an industry outside EWOV's jurisdiction are registered as an Enquiry. Refer to Appendix 1 for further explanation.

* There are exceptions to an AR being registered. Exceptional cases will be transferred to the Real Time Resolution Team.

Information required for Registration

EWOV will register a case based on the issue raised by a customer. If multiple [unrelated issues](#) are raised by a customer, separate cases will be registered for each issue. For further information on definitions and interpretation see Appendix 1.

EWOV will use one case number² for a customer's complaint about the same issue. This means that a complaint may move from an UR to an Investigated Complaint with the same case number. Any case that was previously an UR or Enquiry before 1 July 2012 will not be re-opened as an AR. A new AR will be registered. Any case that was an AR before 1 July 2012 will be re-opened as an [Investigated Complaint](#).

¹ EWOV complies with the National [Benchmarks for Industry-Based Customer Dispute Resolution Schemes 1997](#).

² A case number takes the form YYYY/# in chronological order of registration.

Anon Customers

To register a complaint EWOV is required to capture contact information to ensure that the Scheme Participant or EWOV is able to maintain contact with the customer. Information required is:

| Case stage | Required contact information |
|------------------------|---|
| Enquiry | First and last name, postcode and suburb |
| Unassisted Referral | First and last name, postcode and suburb, email address or postal address |
| Assisted Referral | First and last name, postcode address, email address and phone number (multiple phone numbers is appropriate) |
| Investigated complaint | First and last name, postcode address, email address and phone number (multiple phone numbers is appropriate) |

A customer can choose not to provide their name and contact information for an enquiry and unassisted referral, in this instance the customer can be registered as Anon, see appendix 2.

Case Registration Exceptions

There are exceptions that impact EWOV's standard case registration procedure. These exceptions are noted below.

a. Disconnections and restrictions

If a customer has advised EWOV that their electricity, gas or water service has been disconnected or restricted and they have not made contact with scheme participant, the UR process will be bypassed and an Assisted Referral will be raised. If the customer has made two or more attempts to resolve their complaint, the AR process will be bypassed and an Investigated Complaint will be registered. This will apply even if the customer has since had their supply reconnected prior to contacting EWOV. The purpose of the investigation is to determine the primary reason or cause for disconnection and work with the scheme participant and customer to reach a fair, reasonable and sustainable outcome. For example with a high unpaid bill resulting in disconnection, the investigation may look at hardship factors and a suitable payment arrangement. At the time of registering a disconnection/restriction case, a Wrongful Disconnection Payment (WDP) case will also be registered to ensure that a WDP assessment is completed by EWOV.

b. Dual Fuel accounts

If a customer's concern relates to a single contract for both electricity and gas, EWOV will register it as one dual fuel case. However, if the customer has a single contract for both fuels, and the case relates to specific concerns with gas and/or electricity, EWOV will register either one or two single fuel cases. This is summarised, with case examples, in the table in Appendix 3.

c. Matter is still in progress

Where a customer has had sufficient interactions with a scheme participant in an attempt to resolve a complaint and the scheme participant remains actively involved in the process of resolving the matter, EWOV will register a UR and refer the customer back to the scheme participant's contact centre or established customer contact.

d. Multiple properties

Standard case registration requires a separate case to be registered for separate properties/incident addresses even if the customer or OBO is the same for all properties. For example: a business customer owns three separate properties and contacts EWOV to lodge a complaint about an issue(s) for all three properties. A separate case would be raised for each address as each may have its own account number and incident address. In the instance where under standard case registration procedures there would be 10 or more investigated complaint cases at the same time for one customer, a Team Manager in consultation with the General Manager Operations or the Ombudsman may use discretion to combine the cases to reduce the overall case number. For example: a customer owns 20 properties in 10 different locations each with a different account number. The complaint is about the failure of a retailer to final bill all of the properties. The customer has been through the AR process and the matter was not resolved. Dependent on the contact the customer has had and whether there are related issues for each property, EWOV may register a complaint for each property or each location.

e. Multiple issues

Where a customer contacts EWOV regarding two or more distinct and unrelated issues about gas, electricity or water, they are registered as two separate cases. For example: If a customer calls to complain about a high electricity bill, and also mentions that they have asked their retailer to change the spelling of their name on the electricity account but this has not been done, two separate cases will be registered: 1. High bill and 2. Name on account.

Where a customer contacts EWOV regarding two issues relating to gas, electricity or water that are closely related, and dependent upon each other, EWOV will register the matter as one case with a primary and secondary issue. For example: If a customer contacts EWOV as they have received an electricity backbill and also states that they are unable to pay the electricity arrears and would like a payment plan; this is entered as one case with the backbill as the primary issue and the payment plan as the secondary issue. This is because the inability to pay the bill is a direct result of the backbill being issued.

f. Out of jurisdiction

EWOV may exercise discretion to register an AR where a matter is outside EWOV's jurisdiction to investigate. This will be done to enable the provision of information and escalation of the matter at the scheme participant. Where a customer contacts EWOV with a complaint that has one component of the complaint within EWOV's jurisdiction and another component out of EWOV's jurisdiction, standard case registration and case handling will apply as EWOV can still investigate the components of the complaint within jurisdiction. See Appendix 4 and 5 for more information.

g. Special circumstances

EWOV staff may use discretion to bypass the standard case registration process if there are special customer circumstances. Some examples of what EWOV may regard as special circumstances include things such as: elderly customers who have had difficulty navigating a scheme participant's phone menu or IVR; customers who require urgent assistance due to safety, severe hardship or some other vulnerability; customers who have multiple issues or sites; customers who have attempted to resolve the matter with the scheme participant on multiple occasions and with high level contacts such as team leaders, supervisors, managers, the credit department or a debt collection agency.

h. Unconscionable market conduct

If a customer advises EWOV that they have experienced unconscionable market conduct, such as a transfer without consent following a marketing visit or information provided to a customer from a marketing visit that seemed false or misleading, EWOV will register an AR if there has been no contact with the scheme participant or an Investigated Complaint if there has been two or more contacts and there are special circumstances.

Case downgrade and deregistration requests

All case downgrades must be approved by an EWOV Team Manager or Lead Conciliator/Lead Inbound Service Officer (Lead).

In the instance where the scheme participant does not believe a case has been registered appropriately the scheme participant should contact an EWOV Team Manager or Lead as soon as possible to discuss the concerns.

For Investigated complaints where a scheme participant raises concerns as to the number of attempts that a customer has had to resolve their matter, the EWOV Team Manager will review the scheme participant's contact screen records and any other information the scheme participant has given to support its request for a downgrade. This will be compared with the customer's information. If the information relating to contact is conflicting and/or inconclusive, EWOV will have regard to the customer's information when deciding whether EWOV's involvement will positively influence the long-term outcome of the issue and the relationship between both parties. For ARs, EWOV will accept the customer's advice as to the number of attempts they have made with the scheme participant to try to resolve their complaint.

EWOV will only deregister a case where there has been an accidental exact duplication. Only a Team Manager or Lead can deregister a case.

Please refer to EWOV's policy - [Investigated Complaint Progression Procedure](#) for further details.

Document history

| Action and Date | Updated By |
|------------------------|------------|
| Updated September 2012 | MWC |
| Updated June 2013 | TMM |
| Updated August 2013 | RWA |
| Updated September 2014 | RWA |

APPENDIX 1 - Definitions and interpretation

Assisted Referral

A case that EWOV refers to the scheme participant to resolve. The scheme participant has three business days to contact a customer by phone but if it is unable to reach them by phone can contact the customer by email or letter and this must be within five business days. The scheme participant has 15 business days to resolve the matter with the customer. This timeframe is for the scheme participant to investigate the complaint and undertake any necessary actions. An AR is deemed to have failed if a customer comes back to EWOV within this timeframe due to no contact or following a final offer of resolution from the scheme participant or outside the timeframe following the matter not being resolved.

When raising an AR EWOV provides general information to the customer to assist with their complaint, including information about their rights and responsibilities, and refers the customer to the scheme participant for it to assist with their complaint.

Stage One (Batch) case

A case that can be resolved within 10 business days and therefore does not require detailed information, action or analysis by the customer, scheme participant and/or EWOV Conciliator.

Complaint

An expression of dissatisfaction regarding the policy, practice or the customer service performance of a scheme participant, where a response or resolution is explicitly or implicitly expected.

Customer attempts to resolve their complaint

EWOV regards *an* attempt by a customer to resolve their complaint as *a* phone call, email, letter or direct approach. The attempt does not require a response to have been provided and may include an extended period on hold waiting to speak with the scheme participant. Escalated discussion with a supervisor, manager or internal dispute resolution contact within the scheme participant will be regarded as two attempts. EWOV will discuss with the customer the outcome of each contact made with the scheme participant and accept the information from the customer.

Enquiry

A request from a customer for general information (e.g. about relevant codes or guidelines). This information may be provided by EWOV or referred to another agency (e.g. if it is outside EWOV's jurisdiction).

An expression of dissatisfaction from a customer regarding a party that is not a scheme participant (e.g. an electrician, solar installer, plumber, telecommunications company). EWOV will refer the customer to the appropriate body.

Investigated complaint

The investigation of a customer's complaint about a scheme participant by an EWOV Conciliator. Information is gathered from the customer and the scheme participant and impartially analysed by the EWOV Conciliator to produce an outcome that is fair and reasonable for both parties. An investigated complaint may take the form of a Batch-Stage 1, Stage 2, Stage 3 or Final Stage case dependent on the complexity and whether the matter has been upgraded in line with the EWOV Upgrade Policy.

Jurisdiction

EWOV assesses jurisdiction in line with its Charter. The Charter specifies the matters that fall within and fall outside EWOV's jurisdiction to investigate. Enquiries and complaints that are outside of EWOV's jurisdiction (OOJ) are flagged as being OOJ in EWOV's case management system. Where a complaint is not related to either the electricity, gas, water or LPG industries (for example a concern about a telephone bill or bank account fees), EWOV will register the case as an enquiry, as the expression of dissatisfaction is about a party that does not fall under EWOV's jurisdiction.

Real Time Resolution (RTR)

The stage where failed ARs and exceptional cases are reviewed and either resolved directly with the customer, resolved following discussion with the scheme participant or registered as an Investigated Complaint. Upon receiving a case, where the RTR team choose to contact a scheme participant to attempt to resolve, one attempt will be made to make contact with the scheme participant to quickly resolve the matter in real-time. If telephone contact is not successful then the RTR team will email the scheme participant advising of the need to contact the RTR team to attempt resolution. The scheme participant has until close of business the following business day to respond to the RTR team. Failing that, the case will be registered as an Investigated Complaint by the RTR team.

Related issues

Issues are related if action taken to rectify one issue has a bearing on the outcome of another issue. An example of two related issues is a high bill and the tariffs charged.

Stage 2 Complaint

A case that requires detailed information, action or analysis by the customer, scheme participant and/or EWOV Conciliator or will take more than 10 business days to resolve.

Unassisted Referral

EWOV provides information to the customer to assist with their concern, including information about their rights and responsibilities, and refers the customer to the provider for further assistance.

Unrelated issues

Issues are unrelated if action taken to rectify one issue has no bearing on the outcome of another issue. An example of two unrelated issues is the name on a bill and the tariffs charged.

APPENDIX 2 – Anon Customer Process

Anonymous and postcodes

To register a case under a person's name, you need all of the following information:

1. name (preferably first and last, but last name only will suffice)
2. a postcode
3. a suburb

If any one of the above three details are not available, then the case needs to be registered either:

- against 9999, Anon or
- if you have the suburb and the postcode, use one of the other postcode specific Anon records (e. g. 3152, AnonKNOX CITY 3152). Please ensure the suburb is included with the postcode.

Identified customer but no postcode

If you have a customer's name and email address, use 9090 as a postcode.

If you have the customer's name and telephone number from the pager service, register the customer's details with postcode 9595.

Overseas addresses in Resolve

If you get an overseas case, enter the customer's full address into the first two or three address fields.

Do not enter the customers City, Country, State or Postcode in any other field. Instead enter the Postcode '0000' then press validate. It will come up with 'OVERSEAS, 0000'. This is the only city and postcode combination you should use.

This also applies to incident location fields.

APPENDIX 3 - Registration of Dual Fuel Cases and Single Fuel Cases

| Customer's issue (abridged) | EWOV approach |
|--|---|
| Dissatisfied with conduct of salesperson (door-to-door or phone) marketing dual fuel (DF) contract | One dual fuel complaint |
| Unable to get a DF offer | One dual fuel complaint |
| Recently entered DF contract. Seeking advice re cooling-off rights. | One dual fuel complaint |
| DF contract. Combined DF bill. Unexpectedly high electricity bill. | One electricity complaint |
| DF contract. Combined DF bill. Unexpectedly high electricity and gas bills. | Two complaints as two separate concerns – an electricity complaint and a gas complaint. |
| Put onto DF contract and transferred to another scheme participant without consent. | Two complaints as two separate concerns – both electricity and gas have been transferred without consent – therefore an electricity complaint and a gas complaint. |
| DF contract. Combined DF bill. Delay in receiving bills. | One dual fuel complaint, as relates to one set of bills. |
| DF contract. Combined DF bill. Concessions missing on electricity part of dual fuel bill. | One electricity complaint |
| DF contract. Unable to afford single 'smoothpay' amount sought to cover both electricity and gas costs. | One dual fuel complaint |
| DF contract. Dissatisfied as not advised that 'smoothpay' amount was not covering electricity and gas costs. | One dual fuel complaint |
| DF contract. Combined DF bill. Gas disconnection warning. | One gas complaint |
| DF contract. Combined DF bill. Combined disconnection warning. | Two complaints as the customer has two concerns – namely that their electricity and gas may both be disconnected. As such, one electricity complaint and one gas complaint. |

APPENDIX 4 – Out of Jurisdiction Procedure

Background

EWOV’s Jurisdiction What’s in-What’s out document provides a detailed overview of EWOV’s jurisdiction and Charter. Generally, a matter is clearly identified as being in or out of jurisdiction at the outset. Occasionally, EWOV does not become aware that a matter is outside jurisdiction until the investigation is underway. This document explains the process that should be followed when a complaint is found to be outside of EWOV’s jurisdiction.

In assessing whether a matter is within jurisdiction, EWOV takes an inclusive approach. This procedure should be applied in conjunction with EWOV’s Jurisdiction Nutshell, jurisdiction training materials and Case Registration policy.

Staff will raise any questions they have about a jurisdictional issue with the relevant Team Manager (TM). Where required, the TM may consult with EWOV’s Legal Adviser and/or refer matters regarding jurisdiction to the General Manager Operations (GMO) for review and decision. Consultation with the Ombudsman may be required.

EWOV Jurisdiction and Charter

Cases can fall outside of EWOV’s jurisdiction for two broad reasons:

1. Paragraph 3.1 – Functions of the Ombudsman

Cases may fall outside of EWOV’s jurisdiction because they do not relate to one of the “functions of the Ombudsman” contained in paragraph 3.1 of EWOV’s Charter. Some examples of this include:

- cases relating to properties outside of Victoria
- cases not related to an EWOV scheme participant and
- cases not related to the energy and water industries.

In these cases, the Inbound Service Officer/Conciliator will explain the limits of EWOV’s jurisdiction to the customer and refer them to the most appropriate body. The matter will be closed as an enquiry or referred complaint. The Inbound Service Officer/Conciliator will note the matter as being outside of jurisdiction in the “OOJ” field in Resolve, selecting the appropriate reason.

2. Paragraph 3.2 (d) and 4.2

Cases that are within the “functions of the Ombudsman” in paragraph 3.1 may be taken outside of jurisdiction. The table below provides an overview of instances where the matter may be taken out of jurisdiction and the action that should follow:

| Reason | Action | Decision |
|---|---|--|
| <ul style="list-style-type: none">• The matter may relate to events that became | The Inbound Service Officer/Conciliator will seek additional information from the | The Inbound Service Officer/Conciliator will check with their TM whether there is reason for |

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| | | |
|---|--|---|
| known to the customer more than one year prior to the complaint being lodged (3.2(d)) or | customer or scheme participant in relation to the circumstances of the complaint. Information may include: <ul style="list-style-type: none">- the last contact received from/made by the customer in relation to the matter- action taken by the customer or scheme participant- offers of resolution or agreements | EWOV to exercise discretion to investigate the complaint, depending on the circumstances. |
| <ul style="list-style-type: none">• The matter relates to one of the exclusions contained in paragraph 4.2³. | The Inbound Service Officer/Conciliator will seek additional information, such as copies of court related documents, from the customer or scheme participant to determine whether the matter is under consideration by another body. | In these cases, the Inbound Service Officer/Conciliator will check with their TM to confirm that the matter is outside of jurisdiction. Where appropriate, the TM will consult with EWOV's Legal Adviser and/or the General Manager Operations (GMO). |

Where a complaint is confirmed as being out of jurisdiction, the Inbound Service Officer/Conciliator will refer the customer to the most appropriate body, and close the matter as an enquiry or referred complaint. They will note the matter as being outside of jurisdiction in the "OOJ" field of Resolve and select the appropriate reason.

Complaints Where An Investigation Has Commenced

Occasionally it may not be clear that a matter is outside of EWOV's jurisdiction until the investigation is underway. This may be due to limited or incorrect information being provided by either party at the outset, or due to a change in the circumstances of the complaint (for example, either party commencing legal action). Where it is subsequently determined that a complaint is outside jurisdiction, EWOV's investigation will cease and the case will be closed.

Where this occurs, the Conciliator will discuss the matter with their TM. The TM will decide whether the case will:

- be downgraded to a referred complaint and closed or
- remain an investigated complaint and be closed.

³ Refer to EWOV's Charter, paragraph 4.2. This includes (a) setting of prices and tariffs, (b) commercial activities outside the scope of participant's licence agreement or core business, (c) content of Government policies, (d) court or tribunal consideration (e) matters specifically required by legislation, (f) customer contributions to capital works, (g) events beyond the reasonable control of a participant and (h) action taken under a relevant direction.

The TM will make this decision based on the individual circumstances, having regard to:

- the time that has elapsed between the complaint being received and the decision being made that it lies outside of jurisdiction
- the reason the case was not initially identified as being outside of jurisdiction. For example:
 - whether the scheme participant and/or customer failed to provide relevant information initially
 - whether either party has since taken action that has removed the case from jurisdiction; or
 - whether EWOV should have identified the jurisdictional issue from the outset)
- the amount of investigation that EWOV has completed
- any impact on EWOV's data and public reporting.

Partially Out Of Jurisdiction Cases

While one aspect of a matter may be out of jurisdiction, EWOV can sometimes investigate related aspects that are not out of jurisdiction. EWOV will register these cases in the following way:

- The out of jurisdiction aspect will be registered as an enquiry or referred complaint. The Inbound Service Officer/Conciliator will refer the customer to the most appropriate body, and close the matter as an enquiry or referred complaint. They will note the matter as being outside of jurisdiction in the "OOJ" field in Resolve, and selecting the appropriate reason.
- The remaining aspect of the complaint which is within jurisdiction will be handled under a separate case reference number in line with EWOV's normal case handling processes.

APPENDIX 5 – Retail Services Policy

Background

In recent years, several scheme participants have expanded their businesses to include the provision of services which lie outside of the participants' core businesses, but are related to the energy or water industries. For instance, some scheme participants offer in-home appliance repair services, or install solar panels. Where these services are offered under the scheme participant's "brand", customers may contact EWOV if they have a complaint to make about the service.

This policy outlines EWOV's approach to complaints regarding services offered by scheme participants that are outside the scope of their licence.

Jurisdiction

Paragraph 4.2(b) of EWOV Charter states that EWOV cannot investigate complaints relating to commercial activities which are outside the scope of a scheme participant's licence or, in the case of participants that do not hold licences, commercial activities which are not within or closely related to their core business.

The provision of these services outside of the core business is not contemplated in the licences issued to participants to supply and sell electricity, gas and water or in the terms on which water and LPG participants supply and sell core water and LPG services.

Accordingly, EWOV regards these services as being generally outside of jurisdiction.

However, there are some limited circumstances where EWOV will investigate a complaint regarding home services provided by a scheme participant. EWOV's approach in this regard is outlined below.

Policy

When a customer contacts EWOV regarding services provided by a scheme participant, EWOV will obtain sufficient detail about the complaint to be able to properly understand the customer's concerns. EWOV will advise the customer that these services generally fall outside of jurisdiction under EWOV's Charter.

From discussing the matter with the customer, EWOV will assess whether the customer could reasonably be expected to have understood that the service is separate to the scheme participant's core business of providing electricity, gas or water. If this is the case, EWOV will advise the customer that the matter would be more appropriately handled by Consumer Affairs Victoria (CAV). EWOV will offer to send an emailed referral to CAV, to request that a CAV representative contact the customer to discuss the matter.

However, if the customer reasonably believed the service to be integrated with the core business by virtue of acts or omissions by the scheme participant, EWOV may investigate aspects of the matter.

Examples of such integration are:

- a service provider wearing a uniform with the scheme participant's logo on it,
- a service provider driving a car with the scheme participant's logo on it,
- a customer being invoiced for works on the scheme participant's letterhead,
- a customer having the invoice for works combined into the normal electricity, gas or water account, or
- the scheme participant not clearly outlining on its website, in literature and during telephone conversations with the customer that the home service provider is a separate arm of the business and that the choice lies with the customer as to whether they want to engage the home service provider or seek an alternative provider.

In these cases, EWOV will advise the customer that it can investigate the actions of the scheme participant provider regarding the level of service provided and any customer service issues. Any aspect of the complaint relating to the quality of the workmanship will be referred to CAV for investigation⁴.

⁴ EWOV is not mandated to investigate the workmanship of electricians, plumbers or gas fitters and Consumer Affairs Victoria is.