

**EWOV INTERNAL COMPLAINT HANDLING POLICY**

**MARCH 2016**

Note: This is EWOV Board policy, and cannot be changed without Board approval

From time to time, EWOV receives complaints about how it has undertaken its dispute resolution role. It has established procedures to handle complaints from customers and scheme participants about its operation. The following types of complaints may be made:

**Complaints about Case Handling and Progression:** This is where a customer or scheme participant requests that EWOV management review the handling of a case by a member of the Conciliation team. The customer or scheme participant may be concerned about the progress of the matter, or they may have a query about the application of a particular EWOV policy or procedure.

**Complaints about the Merits-Based Closure of a Complaint:** This is where a customer is dissatisfied with EWOV's decision to close their complaint on the basis that there is insufficient merit or a fair offer has been made by the scheme participant, and they believe that EWOV's decision has been impacted upon by:

- bias
- error/omission in the investigation
- the unavailability of new information that has since become available.

Please note that where a customer requests that EWOV reopen or reinvestigate a complaint, this policy does not apply unless the closure of the complaint followed a merits assessment by EWOV.

**Complaints about the Operation of the Scheme:** This is where a scheme participant or member of the public wishes to complain about a broad aspect of the scheme's operation. This does not include concerns about the handling, investigation or finalisation of a specific complaint.

**Complaints from Scheme Participants about Jurisdiction:** This is where EWOV has received a complaint for investigation, and the scheme participant disputes EWOV's jurisdiction to handle the particular complaint.

**HOW EWOV HANDLES COMPLAINTS ABOUT CASE HANDLING AND PROGRESSION**

Occasionally, customers or scheme participants may be dissatisfied with the way that a particular case has been handled within EWOV. It may be that they are concerned about the progress of the matter, or that they have a query about the application of a particular EWOV policy or procedure. EWOV has an escalation process for dealing with these complaints.

The concern should first be raised with the staff member responsible for handling the case. If the matter remains unresolved, it is escalated to the Team Manager. If it remains unresolved at this level, it is escalated to the General Manager Operations (GMO).

If a customer or scheme participant's concern remains unresolved at this point, it may be escalated to the Ombudsman for review.

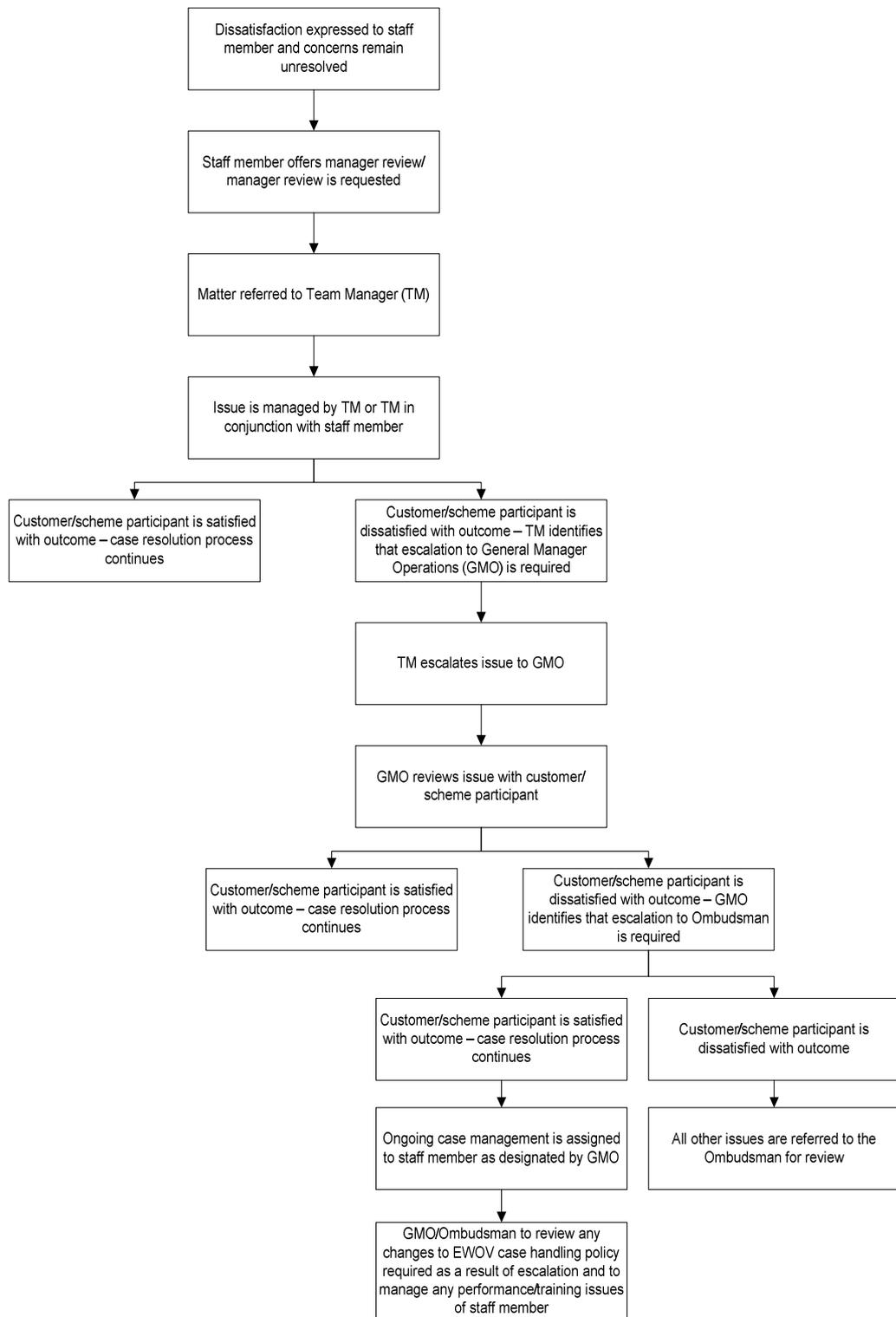
Where a matter has been escalated to a staff member's manager, the manager will respond to the complaint within five business days. The manager will use the most appropriate form of communication (e.g. telephone, letter, email) under the circumstances.

Any performance issues identified will be addressed through training, counselling or other methods. Any areas identified for process improvement within EWOV will be acted on. If the Ombudsman believes the matter is significant, it will be brought to the attention of the Board.

This process outlines a rigid escalation process for complaint management – it should be noted that in practice, complaints can be escalated to Executive Management without strict adherence to this process. Flexibility and responsiveness are provided to all customers and scheme participants.

The following flowchart outlines EWOV's escalation process.

HOW EWOV HANDLES COMPLAINTS ABOUT CASE HANDLING AND PROGRESSION



**HOW EWOV HANDLES REQUESTS FROM CUSTOMERS  
SEEKING INTERNAL REVIEW**

Occasionally, EWOV decides to close a complaint on the basis that further investigation of the matter is not warranted. A complaint may be closed where an investigation finds that a complaint does not have any further merit. This includes circumstances where an investigation finds that the scheme participant has made a fair and reasonable offer to resolve the matter but this offer has not been accepted by the customer. If a customer is dissatisfied with EWOV's decision to close their complaint on this basis they may apply to have an Internal Review (IR) of that decision if they satisfy the grounds for review.

If a customer is dissatisfied with a decision made during an investigation or the outcome of an EWOV investigation (whether or not the case was closed on a no further investigation basis) they may apply to have that decision reviewed, provided they satisfy the grounds for internal review.

**THE GROUNDS FOR INTERNAL REVIEW**

There are three grounds upon which a decision may be reviewed:

1. bias; and/or
2. error or omission during investigation; and/or
3. the provision of new information by the customer.

In addition to establishing one of the grounds, it must also be shown that the bias, error or new information is not trivial; that is, there is a likelihood that the ground affected the decision to close the complaint.

The scope of the grounds for review include:

- Bias includes a decision made in the course of EWOV's investigation that would give rise, in the mind of a fair-minded and informed member of the public to a reasonable belief that there is a lack of impartiality on the part of the decision-maker.
- Errors or omission in the investigation includes something incorrectly done through lack of knowledge or oversight; a mistake.
- New information should be relevant and go to the merits of the case. It does not include new information in relation to process, for example, "I was going to take legal action but now I've changed my mind". New information will not ordinarily include information that was previously available to the customer, unless a satisfactory reason can be given for its non-disclosure.

These definitions are not exhaustive and are intended to provide guidance as to the type of information that may come under each ground for review.

### **APPLYING FOR INTERNAL REVIEW**

A customer must lodge a written request for an IR, within 60 days of the closure of their complaint. The request must specify the ground under which the customer is requesting review, and detail how the ground affected the closure of the complaint. Where submitting a written request would be overly onerous for a customer, EWOV will use its discretion to receive the request by telephone or in person.

### **THE INTERNAL REVIEW PANEL (IRP)**

After the request is lodged, a Panel will be appointed to conduct the review.

The Panel is selected by the Quality Assurance Manager (QAM) and is approved by the General Manager Operations (GMO).

The Panel comprises three persons who have investigations skills and experience and who are independent of the investigation. One member of the Panel must be a manager and this person will Chair the Panel and take responsibility for writing the report.

### **TIMEFRAMES FOR AN INTERNAL REVIEW**

The QAM will acknowledge receipt of the customer's request for an IR within three business days of receipt. This letter will confirm if the customer's concerns will proceed to be reviewed by the Panel.

If the matter proceeds to be reviewed by the Panel, the QAM will provide the Panel's decision and reasoning to the customer within a total of 20 business days from the receipt of the customer's request for an IR.

### **OUTCOMES OF AN INTERNAL REVIEW**

#### **Ground Not Raised**

If the customer's request for an IR does not raise at least one of the grounds for an IR, then the customer will be advised by the QAM that his/her concerns will not be reviewed by the Panel. The QAM may, however, refer the customer's concerns to the appropriate manager to determine whether those concerns may be addressed under EWOV's escalation process.

### **No Affect on Decision Made**

If an IR is conducted and the Panel finds that the customer's concerns would not have altered the outcome of the complaint then the complaint will remain closed and the QAM will provide the customer with the decision and reasoning of the Panel in writing.

### **Customer's Concerns Upheld**

If the Panel finds that one or more of the grounds is made out and the decision was affected then the complaint will be reopened and the investigation will be completed. The QAM will provide the customer with the decision and reasoning of the Panel in writing.

Any decision about whether the complaint should be re-allocated will be made by the GMO.

### **Other Matters**

If there is a performance issue to be addressed, the GMO will advise the relevant manager so that he/she can manage the performance improvement through training, counselling or other methods.

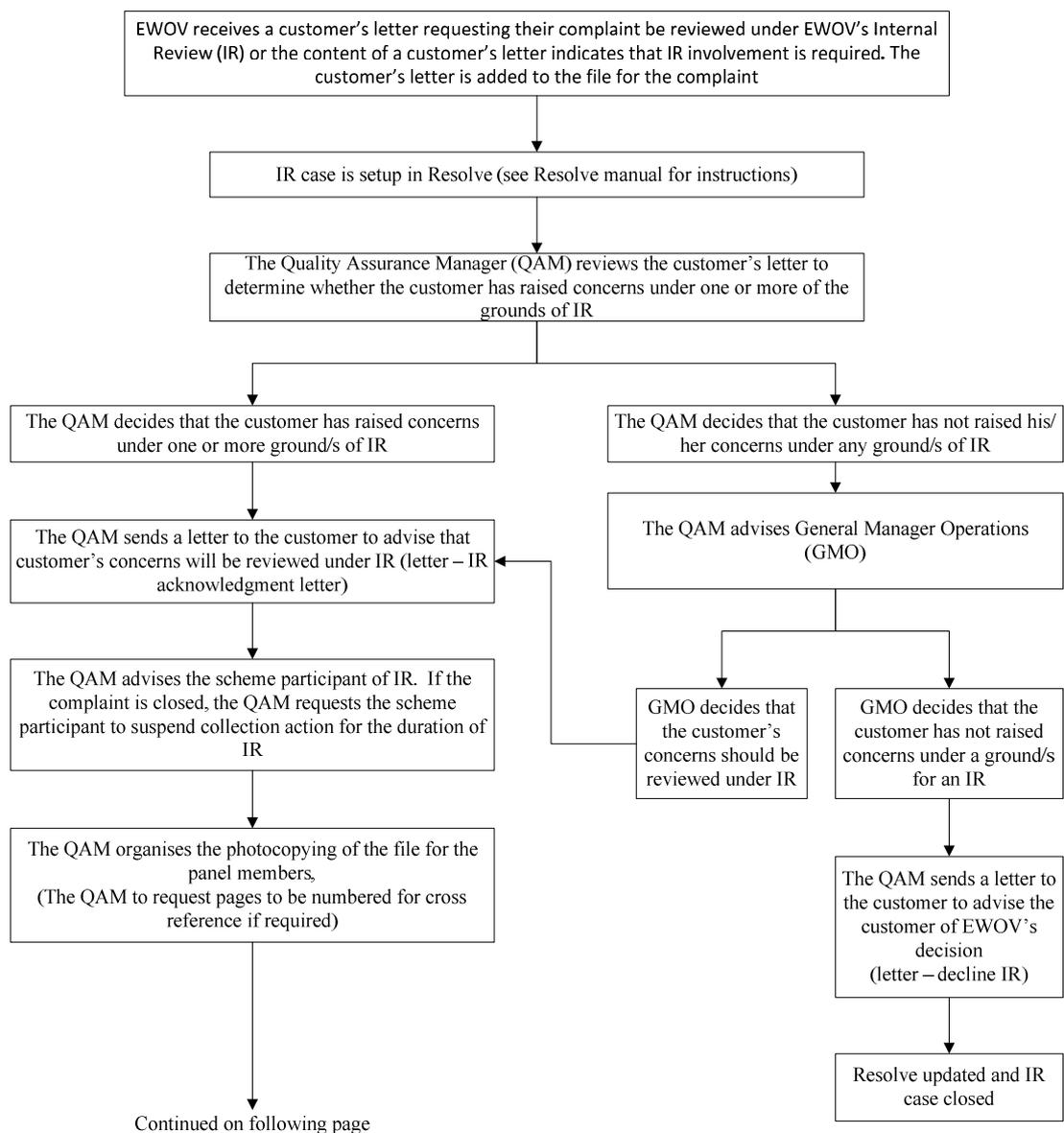
If scope for process improvement is identified by the Panel, the QAM will advise the GMO. The GMO will review the process improvement and undertake any necessary actions, which may include seeking approval from the Ombudsman.

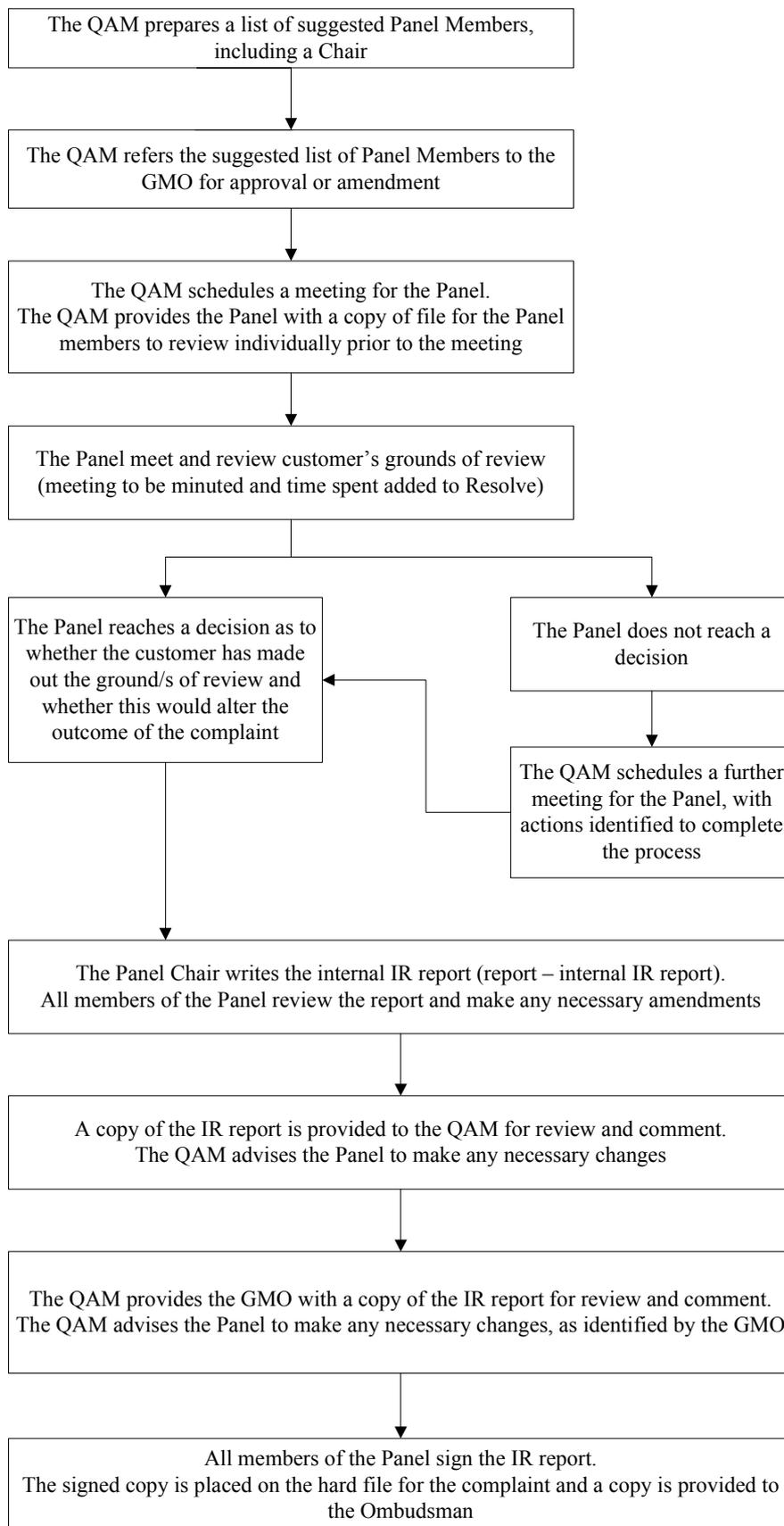
**PROCEDURE FOR EWOV STAFF PARTICIPATING IN AN INTERNAL REVIEW**

**PURPOSE OF THE INTERNAL REVIEW PROCEDURE**

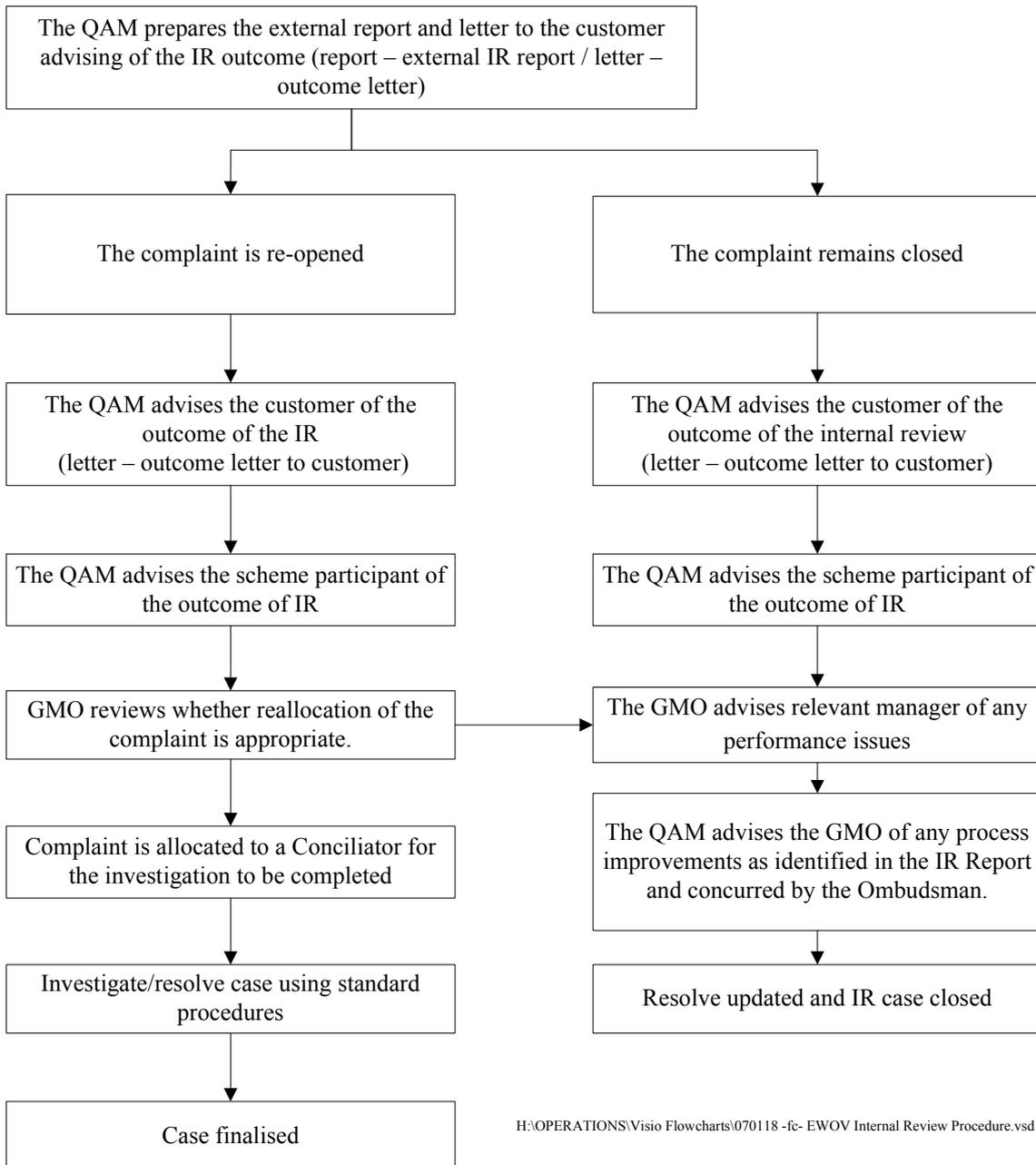
The IR Procedure has been designed to ensure that EWOV has a comprehensive guide to conducting an IR.

**INTERNAL REVIEW PROCEDURE**





Continued on following page



H:\OPERATIONS\Visio Flowcharts\070118 -fc- EWOV Internal Review Procedure.vsd

**HOW EWOV HANDLES COMPLAINTS ABOUT THE OPERATION OF THE SCHEME**

**COMPLAINTS ABOUT THE OPERATION OF THE SCHEME**

Where a scheme participant or member of the public wishes to complain about the operation of the scheme, the complaint must be in writing. The Ombudsman will consider the complaint in the first instance, and respond to the complaint in writing within 15 business days.

Where the scheme participant or member of the public is dissatisfied with the Ombudsman's reply, the Ombudsman will alert the EWOV directors by email to this, and will refer the matter to the Board Chairman. The Chairman will decide on further action.

Where the substance of the complaint relates to the physical or mental capacity of the Ombudsman to perform his/her role satisfactorily or serious misconduct, the matter is to go directly to the Board Chairman for attention.

The Board does not review specific complaint investigations or outcomes. A complaint about the operation of the scheme does not include complaints about the investigation, progression or outcome of a particular case, or complaints about jurisdiction.

**HOW EWOV HANDLES COMPLAINTS FROM SCHEME PARTICIPANTS ABOUT JURISDICTION**

Where a scheme participant disputes EWOV's jurisdiction to handle a particular complaint, it should follow EWOV's escalation process.

If the matter is escalated to the GMO and the scheme participant remains dissatisfied, it may formally challenge jurisdiction. To formally challenge EWOV's jurisdiction, the scheme participant must provide a detailed written submission to the Ombudsman. This submission should detail why the scheme participant believes the complaint is not in jurisdiction, and should include the scheme participant's own legal opinion on the issue.

The Ombudsman may seek a legal opinion and consider the submission provided by the scheme participant. He/she will then respond with a decision as to whether the case remains in or out of jurisdiction. The complaint will continue to be investigated during this time.

If the Ombudsman finds the case in jurisdiction and the scheme participant still disputes jurisdiction, the Ombudsman will notify the Board of the dispute.

The Supreme Court of Victoria has confirmed that the Ombudsman alone decides jurisdiction and such decisions are not subject to review.<sup>1</sup>

---

<sup>1</sup> *CitiPower Pty Ltd v Electricity Industry Ombudsman (Vic) Ltd* [1999] VSC 275.