



Energy & Water
Ombudsman NSW

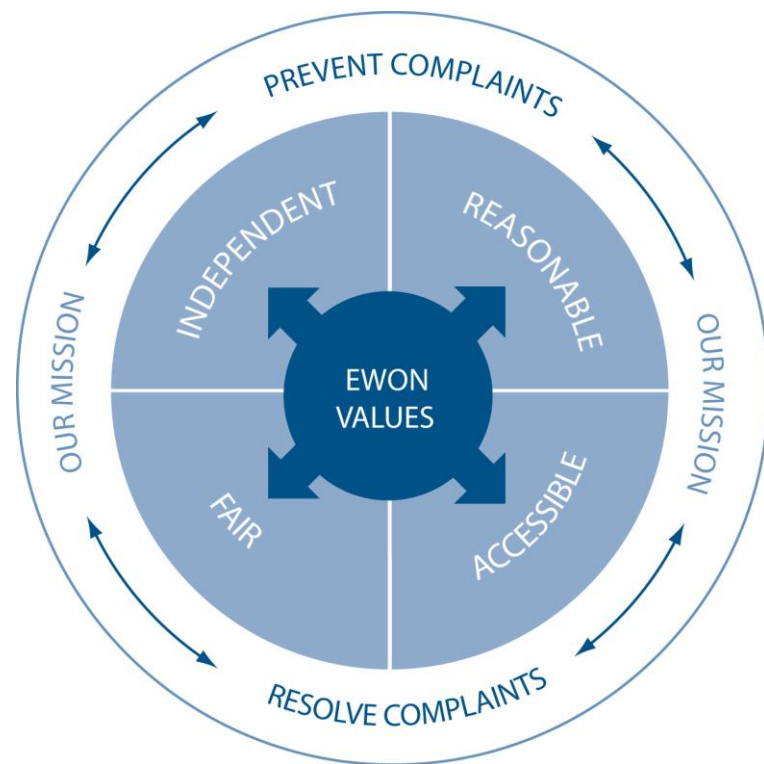
The practice of referring customers back to participating organisations

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May 2010
ANZOA Conference, Wellington

EWON's approach

- EWON investigates and resolves complaints relating to the provision of essential services.
- Our approach is based on:
 - FAIR
 - Efficient
 - Effective
 - Accountable



Context for EWON's EDR operation

- The authority of the Ombudsman is prescribed in legislation and the EWON Constitution
- Complaints/disputes referred to EWON highlight:
 - individual (transitory) and systemic issues
 - intrinsic power imbalance between consumers and large corporations providing essential services
 - policy, procedural and resourcing issues for Scheme participants

When is enough, 'enough'?

- Practice of referring back is available at any stage in the EDR process – whether it is reasonable to do so depends on the factors applying in each case



Why refer back?

- The practice of referring customers back:
 - reflects procedural fairness
 - provides a further opportunity to resolve the complaint before the Ombudsman investigates
 - has potential for expeditious and effective complaint resolution

Why refer back?

- EWON's formal practice of referring complaints back (RHL) presents an additional opportunity for the provider to:
 - contain escalation and resolve the complaint
 - restore a constructive relationship with the customer
 - analyse policy and procedures and internal complaints handling processes
 - avoid the costs of an Ombudsman investigation

Some guiding principles

- EWON's decision to refer back is predicated on several factors:
 - obtaining / clarifying information
 - nature of issue(s)
 - remedy sought
 - history / longevity of the dispute
 - needs and capacity of the parties
 - appropriate resourcing and delegation
 - potential for expeditious resolution

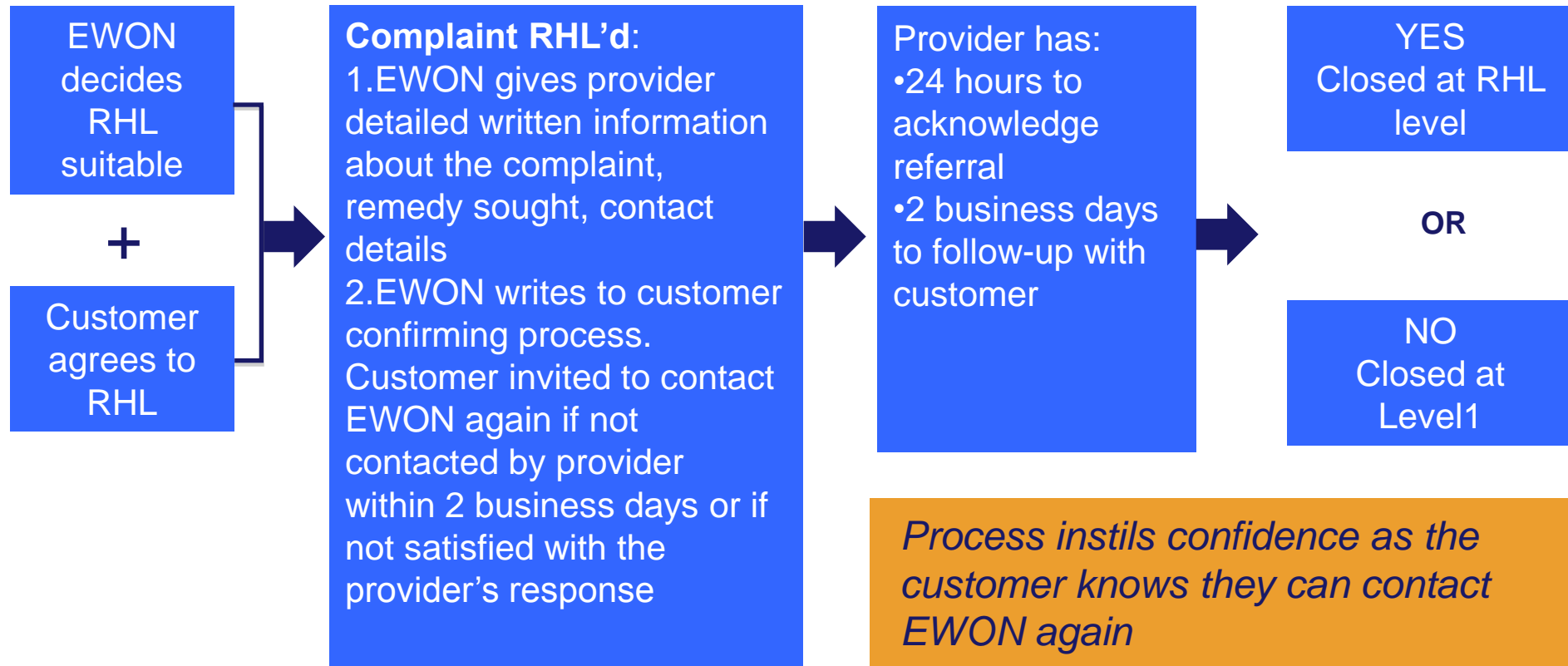
How involved should an Ombudsman be?

- Procedural fairness
 - in the first instance, EWON refers customers back to the provider if the provider has not had the opportunity to resolve the complaint
- If the customer has been unable to resolve his/her complaint, EWON can:
 - decide to manage the matter via the Refer to Higher Level (RHL) process – precedes any investigation by EWON
 - commence an investigation

How many chances?

- EWON's RHL process: we decide on a case by case basis if the RHL process is appropriate for managing a complaint
 - we record our reason(s) if we consider that the RHL process is unsuitable in the circumstances
 - if EWON considers that RHL is appropriate, we obtain the customer's agreement as the process involves the customer dealing directly with the provider

Refer to Higher Level Process



Decision not to refer back

- EWON may decide not to refer a complaint back if:
 - there is some urgency involved eg disconnection of supply/customer in financial hardship
 - EWON considers that the issue(s) is of a sufficiently serious or systemic nature to warrant independent investigation
 - customer declines further direct contact with their provider and requests an independent investigation

Decision not to refer back

- EWON may decide not to refer a complaint back if:
 - relevant senior provider staff have already dealt with the matter
 - customer has a specific access issue
 - EWON identifies insufficient resourcing of provider's specialist complaints handling team

How involved should an Ombudsman be?

- Benefits of RHL for the customer: written confirmation of process and advice that they can contact EWON again if they are not:
 - contacted within 2 business days
 - satisfied with the provider's response

How involved should an Ombudsman be?

- Customers sometimes copy EWON into subsequent emails to their provider even though they know EWON's file is closed.

Provider's email to customer

“Hi again [customer]

Further to my previous email... please be advised that you have now benefitted twice from the \$150 due to credits on the 31/01/09 and now again on the 16/04/10.

I trust that in receiving \$300 (twice the amount you should have) that this will resolve your concerns.”

Customer's response to provider

“Dear [provider]

It's an interesting use of the word benefitted.

I have been trying to resolve your company's failure to correctly bill me for over a year now.

If you want, I can submit a bill for the time I have spent on the phone or writing emails such as this or those I had to write to EWON...

Customer's response to provider

...continued

“Bearing in mind I have to do most of that outside of normal working hours, it would be at overtime rates and believe me, at my hourly rate I can assure you it would amount to significantly more than \$300.

Once I have received the cheque, I will consider the matter closed.”

How involved should an Ombudsman be?

- Benefits of the RHL process for the provider:
 1. Detailed written information about:
 - the complaint and the remedy sought
 - the efforts that the customer has already gone to in trying to resolve the complaint
 2. Information about the effectiveness of the complaints handling process – why did the customer have to come to EWON for assistance?

How involved should an Ombudsman be?

- Systemic Issues:
 - While we refer individual customers back for a remedy (around 25% of all complaints received) there are many instances where we take up issues on a broader systemic basis
 - We facilitate complaint resolution for the individual customers but investigate the issue(s) raised via a systemic approach



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Keeping essential
services within reach.