

How we handle complaints

Alternative dispute resolution

The TIO is an alternative dispute resolution (ADR) body. Alternative dispute resolution is a means of settling a dispute outside a courtroom.

It can be difficult, time-consuming and cost a lot of money to try to settle disputes through the courts. ADR is a more accessible and informal way of resolving a complaint.

The TIO's role is to help consumers and telecommunications companies resolve complaints together. We investigate complaints by considering the facts provided by both parties; that is, the individual or business with a complaint and their telephone or internet service provider. When the TIO helps to resolve complaints it considers not only the law and good industry practice but also what is fair and reasonable in the circumstances. The TIO also adheres to a number of position statements, which are at www.tio.com.au, and these are an indication to complainants and members as to how the TIO might resolve a complaint.

The TIO stays independent of both parties at all times and does not take on a consumer advocacy role.

Complaint classification

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Complaint resolution involves facilitated negotiated resolution at level 1 and level 2 and formal investigation at level 3 and 4.

Table 4 Complaint classification

	Action
Level 1	Level 1 complaints are referred back to the provider, giving both parties another chance at resolution.
Level 2	Complaints that cannot be resolved at level 1, either because we consider that the proposed outcome is not fair or reasonable, or because we have not seen enough evidence to assess whether the proposed outcome is fair or reasonable, are raised to level 2. This gives the provider and consumer a final chance at informal resolution, a process facilitated by the TIO.
Level 3	Level 3 complaints require formal TIO investigation. They still allow providers and complainants to liaise with one another to achieve a fair and reasonable outcome. Where a fair and reasonable outcome is not offered by a provider, the TIO may make a binding (on providers) determination up to \$1 200.
Level 4	If the provider has failed to respond to a level 3 complaint within the required time, the complaint may be raised to level 4. This is known as an administrative level 4. Alternatively, if the TIO decides that the outcome of a level 3 complaint is not fair or reasonable, or we have not seen enough evidence from the provider to determine that it is fair or reasonable and the amount in dispute exceeds \$1 200, the TIO may escalate to level 4 for further investigation and possibly determination.
Determinations and directions	Where a fair and reasonable outcome cannot be achieved through conciliation, the TIO can direct a provider. At level 4 the TIO's binding powers are limited to determinations or directions to the value of \$10 000. While determinations and directions are binding on members, complainants can elect to accept or decline them.
Recommendations	In addition to binding decisions, the TIO can make non-binding recommendations to members, provided that these do not exceed \$50 000. In the 15-year history of the TIO, non-binding recommendations have been rare and none has been rejected.
Reviews	<p>If a person is not satisfied with the outcome of their complaint, they may request a review. A review involves an independent assessment of the investigation, along with an evaluation of whether the investigating officer requested and considered all the information before making a decision. The Review Officer reports directly to the Ombudsman.</p> <p>The Review must consider whether the TIO had the power to investigate the complaint in the first place, as well as taking into account relevant law and industry codes, our position statements and whether we had regard to the principles of alternative dispute resolution. The Review Officer can be asked to review the outcome of all levels of complaints except those which have been determined.</p> <p>In 2007/08, the TIO received on average 21 review requests a month. At 30 June 2008, 36 cases were awaiting review. The timeframe for these to be completed is ten to 12 weeks.</p>

TIO scheme

MPSI scheme

92.5 per cent of complaints (125 595) were resolved at level 1.

96.6 per cent of MPSI complaints (13 426) were resolved at level 1.

6.1 per cent of complaints (8 340) resolved.

3.0 per cent of complaints (415) resolved.

1.3 per cent of complaints (1 785) resolved.

0.4 per cent of complaints (58) resolved.

0.1 per cent of complaints (123) resolved.

0 per cent of complaints (0) resolved.

Five complaints, under the TIO and MPSI schemes, were determined. Details of determinations are available at www.tio.com.au.

No recommendations were made in 2007/08

In 2007/08, 257 reviews were requested under the TIO and MPSI schemes, compared with 260 the previous year. Of these, in 181 cases, the Review Officer's findings agreed with that of the Enquiry or Investigation Officer, so no further investigation was needed. In 49 cases, additional information was sought by the Review Officer before it was concluded that a fair and reasonable outcome had been achieved. In 22 cases the findings were overturned and the complaints were returned to the relevant staff member for additional investigation and possible escalation. In five cases, additional evidence was sought by the Review Officer before the overall finding was overturned.

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Performance

Complaint resolution times

Level 1 complaints are closed on the day that they are logged and only reopened if the complainant returns to the TIO after contact with the member and the TIO determines that the complaint merits formal investigation. With level 2 and 3 complaints, specific actions — such as assessing responses from members and contacting complainants — have benchmark timeframes. These are 77 days for level 2 and 91 days for level 3. Despite this big increase in complaint numbers this year, through the employment of more complaint-handling staff and the improvement of our processes we made substantial progress towards meeting these benchmarks.

Table 5 Average complaint resolution times in days

	Level 2	Level 3	Level 4
2005/06	79	108	164
2006/07	102	155	188
2007/08	89	142	178

Call-handling performance

The TIO aims to answer 80 per cent of calls within 60 seconds. In 2007/08 we averaged 5 270 calls a week, a 41.6 per cent increase from 3 607 in 2006/07. Calls rose steadily towards the end of 2007, and then sharply in early 2008. In January we exceeded 9 000 calls a week. This dropped in February but remained at levels significantly higher than the TIO has experienced in the past.

During the year, our service level was 42.3 per cent of calls answered within 60 seconds, compared with 45.9 per cent the year before. As with the year before, the significant and rapid increase in demand in early 2008 was the primary reason for us not meeting our service level.

We answered an average of 3 681 calls a week in 2007/08, 27.8 per cent more than last year. Ten per cent of callers (about 550 calls) routinely hang up after hearing the introductory message advising them that the TIO is an office of last resort. The number of people who abandoned their calls after waiting for more than five seconds averaged 276 a week, an increase from 164 in 2006/07. An average of 932 calls a week were blocked by the TIO's phone-answering system as there was insufficient staff to handle them, up from 253 in 2006/07. When a call is blocked the caller hears a message advising telling them to try calling back later or suggesting that they lodge their complaint via the TIO's on-line complaint form on our website.

Figure 12 Call-handling performance

