



**Telecommunications
Industry
Ombudsman**

**The Telecommunications Industry Ombudsman
Second Disability Action Plan**

2008-2010

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1.0 Introduction

The purpose of the TIO's Second Disability Action Plan 2008 - 2010 is to ensure that the policies and practices of the office of the Telecommunications Industry Ombudsman (TIO) treat people with disabilities equitably, and are inclusive of all its stakeholders. The Second Disability Action (DAP) builds on the TIO's inaugural DAP (registered with the Human Rights and Equal Opportunity Commission, April 2003).

However, this Plan is not just a statement about equitable treatment for people with disabilities. It contains an ethos of equality and fairness that underlies all TIO policies.

Development of this Plan is consistent with the mission of the TIO: to provide free, independent, just and speedy resolution of complaints about telephone and internet services. Implicit in this statement is the belief that the TIO's services are available for all who require them. By adopting this DAP we are seeking to ensure that all people have equal access to the TIO's services and are not restricted by physical, communication or attitudinal barriers.

The plan relates to all TIO stakeholders, including complainants, potential complainants, members, visitors, community organisations, government bodies and TIO staff.

2.0 About the TIO

The TIO provides a free alternative dispute resolution service to residential and small business consumers who have been unable to resolve a complaint directly with their telephone company or internet service provider.

Established by the Federal Government in 1993, the TIO's services are available to consumers from across Australia.

Telecommunications companies in Australia are required by law to be members of the TIO scheme if they operate in one or more of the following areas:

- supplying a standard telephone service
- supplying a mobile telecommunications service
- providing internet access, and
- acting as intermediaries by reselling any of the above services.

These companies bear the cost of the TIO Scheme.

The concept of fairness is central to everything the TIO does.

A complaint will not be investigated until the TIO is satisfied that the service provider has been given a reasonable opportunity to resolve the complaint without TIO involvement. In this sense, the TIO is referred to as an “office of last resort”.

The TIO is not a consumer advocate, but rather a service to help consumers and telecommunications companies resolve disputes. It is also independent of government and industry interests and is a not-for-profit organisation.

Operating as an Alternative Dispute Resolution (ADR) scheme, the TIO exists as an alternative to traditional court processes and aims to deal with complaints speedily, in a fair, objective and non-bureaucratic way. In resolving complaints, the TIO takes into account good industry practice and what is fair and reasonable in all the circumstances, rather than seeking a resolution based on strictly legal grounds.

People may lodge complaints with the TIO in person, in writing, over the telephone or via email. A TTY service is also available for people with hearing loss and for those with speech and hearing impairments. The National Relay Centre and the Translating & Interpreting Service offer other means of contacting the TIO.

As the TIO is a free service, the cost of AUSLAN signers or interpreters, and other expenses associated with investigating a complaint, is borne by the TIO.

The TIO treats all complaints confidentially and has processes in place to meet requirements of the *Privacy Act 1988*.

The *Telecommunications (Consumer Protection and Service Standards) Act 1999* sets legislative boundaries for the TIO's jurisdiction and powers, including the ability to

make binding determinations. The service provider, but not the complainant, must comply with such decisions.

The TIO is authorised to investigate complaints about landline, internet and mobile services, including those relating to:

- billing and payments
- customer service
- complaint handling
- credit management
- contracts
- directories
- faults
- land access
- mobile premium services
- provisioning
- payphones
- phone cards
- privacy
- transfers, and
- breaches of the Customer Service Guarantee (CSG) Standard and industry Codes of Practice.

The TIO cannot investigate complaints about:

- the setting of tariffs for carriage services
- anti-competitive practice
- business directories
- cables beyond the network boundary
- the content of a content service
- customer equipment
- the Do Not Call register
- high impact facility
- intra-industry disputes
- issues which are the subject of legal proceedings
- a member's commercial decision
- disputes over two years old, and
- telecommunications policy.

The complaints that the TIO cannot deal with often fall within the authority of industry regulators, such as the Australian Communications and Media Authority, the Australian Competition and Consumer Commission or state-based offices of Fair Trading. If the TIO is unable to assist with a complaint, our Investigations staff are trained to advise on the most appropriate course of action to take.

The TIO is a national service operating out of an office in the Melbourne CBD. As at September 2007 the TIO employs 112 staff.

3.0 Plan Development

3.1 Review of current practices

The TIO undertook a number of preliminary steps prior to the development of the Second DAP. The TIO established an internal working group which assisted in the preparation of this plan by reviewing the TIO's First DAP and collecting information regarding:

- relevant complaint data
- physical and social barriers which may limit access to the TIO's services
- public awareness and feedback activities
- the accessibility and usability of the TIO website
- the availability of relevant training programs for staff, and
- lessons learnt from the TIO's First DAP.

The purpose of gathering this information was to gain an understanding of any issues that may be impeding access by people with disabilities to the TIO's services prior to the development of this Plan.

3.2 Consultation

On 23 October 2007, the TIO held an external consultation with a variety of disability organisations. The purpose of this consultation was to learn from experts in this area, receive feedback regarding the TIO's First DAP and to consider recommendations towards the development of the TIO's Second DAP.

The organisations that attended were:

Brain Injury Australia
Deafness Forum Ltd
Physical Disability Council of Australia
Blind Citizens Australia
Women with Disabilities Australia (WWDA)
National Indigenous Disability Network
National Ethnic Disability Alliance
Australian Association of the Deaf
Telecommunications & Disability Consumer Representation
CAUS (Communication Rights Australia)

The TIO also received valuable correspondence from the National Council on Intellectual Disability.

Further, the TIO consulted with Telstra Corporation Ltd and Optus Networks Pty Ltd in the course of development of this Second DAP.

3.3 Other resources

The following documents were used as guidelines for developing this Plan:

- HREOC guidelines for DAP Development
- Telstra's Fourth Disability Action Plan 2007
- Optus Disability Action Plan 2006

3.4 Internal responsibility and reporting

The Deputy Ombudsman is responsible for implementing this plan and reviewing complaints about disability discrimination.

However, so that the Plan exists as a seamless addition to the TIO's everyday operations, all staff share responsibility for its practical implementation. This dynamic Plan relates to everything we do and all staff are involved in and committed to its maintenance and success.

Individual responsibilities are assigned to specific people in Section 5 of this document and complete position descriptions for these positions are set out in Appendix 2.

Progress on the development and implementation of the Plan will be reported to the TIO Council and Board, and included in the TIO Annual Report.

4.0 Context

4.1 Role, culture and values

At the TIO we view the development of a DAP as essential to our role as an Alternative Dispute Resolution scheme for all telephone and internet users. The development of a DAP is consistent with the TIO's organisational value of *fairness*.

As the industry body responsible for resolving consumer complaints about telecommunications services, it is particularly important that the TIO follows industry standards and employs best practices relating to access to information and services.

A report by what was then the Department of Industry, Science and Tourism, "Australian Government Benchmarks for Industry-based Customer Dispute Resolution Schemes (1997)", lists "Accessibility" as a primary requirement for the success of schemes such as the TIO. This Plan will assist the TIO in meeting this requirement.

4.2 Legislation and Industry Standards

Relevant legislation and industry standards are set out in Appendix 1.

5.0 Objectives and Strategies

The TIO DAP has five key objectives:

1. **Organisational culture:** to develop and maintain a responsive and non-discriminatory organisational culture
2. **Accessible information:** to improve accessibility to information about TIO services
3. **Accessible complaint resolution services:** to provide equitable access to the TIO's complaint resolution services
4. **Physical environment:** to ensure that the TIO's physical environment is accessible to all, and
5. **Monitoring and evaluation:** to ensure that the DAP is regularly reviewed and evaluated.

Objective 1: Organisational Culture

Our aim is to develop and maintain a responsive and non-discriminatory organisational culture.

This objective has been listed first, as it is seen as being the crucial one upon which all others depend. Without an organisational culture that not only accepts, but also embraces and values diversity, the other strategies will not be achievable.

The TIO's organisational culture affects the experiences of all people who access our services and has a significant impact on their ability to access those services with dignity and equality.

The TIO's First DAP identified the importance of Diversity Training, aimed at ensuring that staff are aware and able to effectively deal with people from a diverse background. There is a recognised need for continual training in this area, both for long-serving and new staff members.

Strategies:

1.1 Internal communication

Outcomes	Actions	Position Responsible	Completion date
All staff are aware of and understand the DAP, including the grievance procedures	➤ Conduct training on the DAP	IO/LDO	2 weeks after launch
	➤ Prepare, distribute and post on the intranet, staff guidelines for promoting non-discriminatory behaviour	DO	Mar/Sep annually
Outcomes of, and management commitment to, the DAP are visible to staff	➤ Include responsibilities under the DAP in performance criteria for the DAP committee	All Managers Via HRM	Annually

1.2. Staff Training

Outcomes	Actions	Position Responsible	Completion date
All staff are able to provide services for people with disabilities with understanding and awareness of their needs	➤ Investigate disability awareness training provided by a person with disability, tailored to enquiry and investigations officers, and reception staff	IM/LDO	1 Jul 2008
	➤ Conduct disability awareness training for all staff including training regarding obligations under the <i>Disability Discrimination Act 1992</i> and relevant issues associated with mental illness and cognitive disabilities	IM/LDO	1 Jul 2008
All staff are aware of additional barriers experienced by people with disabilities from culturally and linguistically diverse backgrounds	➤ Ensure that the disability awareness training includes issues faced by these groups in our community	IM/LDO	1 Jul 2008
	➤ Incorporate disability awareness training into induction training	IO/LDO	31 Dec 2008
	➤ Governance arms of TIO to be (Council/Board) provided with training in non-discriminatory policy & practice, and disability awareness	DO/LDO	1 Jul 2008

1.3 EEO Employment

Outcomes	Actions	Position Responsible	Timeline
<p>Making employment at the TIO more accessible to people with disabilities</p>	<ul style="list-style-type: none"> ➤ Scheduled review of the TIO’s recruitment processes and practices to ensure that the TIO continues to actively encourage people with disabilities to apply for positions at the TIO, and that the TIO is able to accommodate, as necessary, the needs of employees with disabilities 	HRM	31 Dec 2008
	<ul style="list-style-type: none"> ➤ Scheduled review of the TIO’s policies on equal employment opportunity to ensure that they remain consistent with legislative obligations and incorporate best practice 	HRM	31 Dec 2008
	<ul style="list-style-type: none"> ➤ Update, where necessary, action plans for addressing access, EEO and OH&S issues in light of reviews referred to above 	HRM	31 Dec 2008

Objective 2: Accessible Information

Our aim is to ensure that information produced by the TIO is as accessible as possible to all people, including those with disabilities.

The TIO’s communications activities are directed at a number of different audiences, including complainants, potential complainants, TIO staff, member organisations, government bodies, consumers and community organisations. The TIO’s communications activities include distribution of information to disability community groups.

In the context of the DAP, the aim of these activities is to ensure that information about the TIO’s services is accessible to people with disabilities, and to raise awareness and understanding of the TIO among people with disabilities. This includes making information available in alternative formats upon request.

Information about the TIO – including advice for consumers – is available through a series of brochures, the TIO Annual Report, a quarterly newsletter, in electronic format on the internet and by telephoning the TIO.

The TIO internet site may be the primary source of information about the TIO for many people with disabilities. Accordingly, redeveloping the website to appropriate international access standards is a priority.

Strategies:

2.1 Dissemination of information

Outcomes	Actions	Position Responsible	Completion date
<p>TIO public information is available in various formats and is in plain English</p> <p>Distribution of TIO information in a variety of ways including media, publications, direct mail and conferences and events</p>	➤ Produce key TIO information in a variety of formats including both Braille and audio format on demand	PAM	Jun 2008
	➤ Review, update and make available TIO fact sheets in languages other than English.	PAM	Jun 2008
	➤ Review use of plain English in TIO publications	PAM	Jun 2008
	➤ Develop a distribution plan to communicate to disability organisations the changes to the material referred to above, and the redevelopment of the TIO website referred to below	PAM	Jun 2008
	➤ Distribution of information	PAM	Sept 2008

2.2 TIO website

Outcomes	Actions	Position Responsible	Completion date
<p>A TIO website which meets Levels One, Two and Three of the W3C Web Content Accessibility Guidelines</p>	➤ Conduct review of the accessibility of the TIO's website to ensure compliance with Levels Two and Three	GM	1 Apr 2008
	➤ Enhance the accessibility of the TIO website, especially for people with disability	GM	30 June 2008
	➤ Ongoing regular maintenance of the TIO website to maintain and meet international standards as they change	GM	Ongoing
	➤ Regular audits of the TIO website for accessibility purposes	GM	Ongoing

2.3 Dissemination of the DAP

Outcomes	Actions	Position Responsible	Timeline
TIO has disseminated the DAP	➤ Distribute copies of the DAP to disability organisations nationally	PAM	2 weeks after launch
	➤ Provide electronic copies of the DAP through the TIO website.	PAM	Day of Launch
	➤ Have copies of the DAP available in alternative formats, such as Braille and audio	PAM	Day of launch
	➤ Notify members and other industry organisations about the DAP	PAM/ MCM	Week of Launch
	➤ Register Second DAP with HREOC	DO	Prior to launch

Objective 3: Accessible Complaint Resolution Services

Our aim is to provide equitable access to the TIO's complaint resolution services.

Meeting this objective is critical to the ability of the TIO Scheme to provide complaint resolution services to all residential and small business users of telecommunications services.

It is important that the TIO is aware of any barriers that people with disabilities may experience in accessing the services of the TIO. Therefore, there is a need for the TIO to consult on an ongoing basis with peak disability organisations and to regularly review complaints involving people with disabilities. Likewise, it is a high priority for the TIO to address any barriers identified by revising current service delivery and by ensuring that any future methods of delivering services are accessible to people with disabilities.

Strategies:

Outcomes	Actions	Position Responsible	Completion date
The identification and elimination of barriers in the current delivery of services	➤ Annually review keywords in the TIO's complaint management software in order to capture data regarding complaints involving disabilities, taking into account compliance requirements under the <i>Privacy Act 1988</i> and its amendments	PM	Annually from Jun 08
	➤ Identify current and emerging barriers to accessibility, including by monitoring complaints from people with disabilities, and consulting with	DO	Ongoing

Current staff are able to use communication aids and services	relevant disability, consumer and casework organisations		
	<ul style="list-style-type: none"> ➤ Ensure that induction training includes and identifies when to use different modes of communication aids such as the TTY, and working with interpreters and translators 	LDO/HRM	Sept Quarter 2008
	<ul style="list-style-type: none"> ➤ Conduct regular training in the role and operation of communication aids and translating and interpreting services 	LDO	Annually from Jun 08
	<ul style="list-style-type: none"> ➤ Investigate the demand and the feasibility of text/instant messaging in TIO investigative processes, including when making complaints 	IM	30 Jun 2008

Objective 4: Physical Environment

Our aim is to ensure that the TIO's environment is accessible to all.

The physical environment referred to in this plan is the office of the TIO, including ground floor foyer, lifts, entrance foyer, reception area, complainant interview rooms, meeting rooms, staff offices, workstations and toilet and shower facilities. It also includes car parking facilities and bathroom facilities provided in the basement of the building.

This strategy aims to cover all people who may visit or work at the TIO.

Strategies:

Outcomes	Actions	Position Responsible	Completion date
The facilities in the building and the offices are accessible for the purpose of enabling complainants, staff and visitors to attend the office	<ul style="list-style-type: none"> ➤ Review accessibility of TIO offices, including signage and staff accessibility to office equipment 	OHSC	31 Dec 2007
	<ul style="list-style-type: none"> ➤ Prepare action plan for addressing access issues in TIO offices 	OHSC	30 Jan 2008
	<ul style="list-style-type: none"> ➤ Implement action plan for addressing access issues in TIO offices 	GM	30 Jun 2008
	<ul style="list-style-type: none"> ➤ Alert building management to access issues in the TIO building and require that issues be addressed 	GM	14 Feb 2008
A strategy exists for addressing access issues upon the appointment of staff with a	<ul style="list-style-type: none"> ➤ See Strategy 1.3 	HRM	Dec 2008

<p>Feedback from people with disabilities and disability groups regarding accessibility of the TIO to people with disabilities</p>	<ul style="list-style-type: none"> ➤ All recorded and considered by the internal DAP committee 	<p>DO</p>	<p>Annually from Jun 08</p>
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5.2 Ongoing evaluation and review

Outcomes	Actions	Position Responsible	Completion date
<p>The DAP is monitored and reviewed on an ongoing basis</p>	<ul style="list-style-type: none"> ➤ Chair an internal DAP committee to review on a six monthly basis whether the TIO has completed its actions and met its targets according to the plan 	<p>DO</p>	<p>Jun 2008</p>
<p>The DAP is evaluated and revised as required</p>	<ul style="list-style-type: none"> ➤ Incorporate feedback from 5.1 in review ➤ Consult with disability consumer organisations on an annual basis ➤ Report to TIO Council and in the TIO Annual Report on implementation of DAP ➤ Evaluate the success of the plan in reaching performance indicators on a three year basis ➤ Revise plan and implement changes as required 	<p>DO DO DO DO DO</p>	<p>Jun 2008 Annually Annually Dec 2010 Annually</p>

6.0 Grievances and Queries

The Deputy Ombudsman will handle grievances and queries about the TIO's accessibility to people with disabilities.

People with queries may telephone the Deputy Ombudsman on 1800 062 058, through the TIO switchboard on 03 8600 8700 or using TTY equipment on 1800 675 692. Queries about the TIO's accessibility to people with disabilities may also be made in writing to the Deputy Ombudsman at:

Mail: PO Box 276
Collins Street West VIC 8007
Fax: free fax 1800 630 614
Email: tio@tio.com.au

APPENDIX 1

Legislation

The Federal legislation governing disability access is the *Disability Discrimination Act 1992* (DDA). The DDA defines discrimination as when people with a disability - or their family, friends, carers, co-workers or associates – are treated less fairly than people without a disability.

The aim of the DDA is to maintain the human rights, dignity and equality of people with disabilities by giving them access to mainstream information and services.

The test of whether a service meets DDA requirements of human rights, equality and dignity is:

Is the TIO requiring someone with a disability to do something that we would not require a person without a disability to do?

It is the DDA which provides for the preparation of DAPs to encourage organisations to remove barriers to access for people with disabilities in a planned manner.

To comply with the DDA, the TIO's DAP includes details of:

- objectives and action programs to achieve the aims of the DDA
- a means of evaluating and revising these policies and programs
- intended methods for communication of these policies and programs to TIO staff
- the mechanisms for review of procedures and practices within the TIO with a view to identifying discriminatory practices
- intended outcomes and performance indicators against which the success of the DAP may be assessed, and
- persons within the TIO who have been given responsibility for implementing the provisions outlined above.

The TIO's commitment to fully comply with Equal Employment Opportunity (EEO) legislation will be further assisted through the adoption of this Plan. EEO obligations include making the workplace free from discrimination, and ensuring that all people have an equal opportunity to receive promotions and training, and to work in positions that are appropriate to their abilities.

When completed, this plan will be submitted to the Human Rights and Equal Opportunity Commission (HREOC) for feedback and registration.

Industry Standards

Communications Alliance Ltd is the body responsible for developing codes for the telecommunications industry.

Communications Alliance Ltd's Disability Council reviews all draft Codes to ensure that they take disability issues into consideration. The Council also played a significant role in developing the industry guideline on Access to Telecommunications for People with Disabilities (ACIF G586:2006).

Definition of Disability

This Plan uses the definition of disability contained in the Disability Discrimination Act 1992. According to this Act, disability means:

- total or partial loss of a person's bodily or mental functions, or
- total or partial loss of a part of the body, or
- the presence in the body of organisms causing disease or illness, or
- the malfunction, malformation or disfigurement of a part of a person's body, or
- a disorder or malfunction that results in a person learning differently from a person without that disorder or malfunction, or
- a disorder, illness or disease that affects a person's thought processes, perception of reality, emotions or judgment or that results in disturbed behavior.

This definition includes disabilities that:

- presently exist, or
- previously existed but no longer exist, or
- may exist in the future, or
- are imputed to a person.

APPENDIX 2

Key to acronyms

DO	Deputy Ombudsman
GM	General Manager (Business)
PM	Policy Manager
HRM	Human Resource Manager
MCM	Member Communications Manager
PAM	Public Affairs Manager
LDO	Learning and Development Officer
OHSC	Occupational Health & Safety Committee
IM	Investigations Manager
IO	Investigations Officer