

# **TIO Complaint Classification and Escalation Guidelines**

**1 July 2006**

**Note: These Guidelines do not apply to the Investigation of Systemic Issues**

## **Definition of Complaints and Enquiries**

The TIO receives complaints via its telephone and fax numbers, as well as by letters, e-mails and visits to its office.

During the first contact with a complainant, the Enquiry Officer (EO) or Investigations Officer (IO) will determine whether a matter is an enquiry or a complaint.

A matter is determined to be an enquiry if it is:

- not defined as a complaint, i.e. not an expression of grievance or dissatisfaction;
- a request for information, including information about a TIO member;
- a complaint that is outside the TIO's jurisdiction;
- an anonymous complaint;
- a 'first resort' complaint, that is a complaint that has not yet been raised with the provider;
- considered to be trivial or vexatious.

Members are not charged directly for enquiries.

Complaints are defined as 'expressions of dissatisfaction or grievance' and are logged directly against a TIO member.

Complaints can be classified as Level 1, Level 2, Level 3 and Level 4 complaints.

## **Level 1 Complaint Characteristics**

**Characteristics of a Level 1 Complaint includes the following:**

- is not formally investigated by the TIO; rather, the member is given a final opportunity to resolve the complaint without TIO involvement;
- can be in written or oral format;
- is opened and closed immediately, or within 48 hours;
- the complainant is referred back to the member, either as a telephone referral or in writing, and for the member to contact the complainant within 48 hours of any call from the complainant.
- should be resolved by the member directly with the complainant;
- should be resolved by the member within 14 days with limited input from TIO;
- no requirement on the member to notify the TIO of the outcome, although sometimes the member might find this useful;
- involves no or limited standard documentation;
- should not take more than an average of 10 minutes of an Enquiry Officer's (EO's) time to handle, with an upper limit of 20 minutes.

## **Recharging Procedures**

The TIO's procedures provide for the 're-charging' of Enquiries and Level 1 complaints to allow the TIO to recover costs where these Guidelines would not provide for the recategorisation of the Enquiry or escalation of the Level 1 complaints. The following procedures apply:

- recharging will only occur where additional time spent by the EO or IO results from contact initiated by the complainant;
- additional time spent as a result of contact initiated either by the TIO member or by the EO or IO will not be recharged;
- where the additional time spent is less than 5 minutes, no recharging will occur;
- recharging may occur where the additional time spent exceeds 5 minutes;
- no more than two (2) recharges of any Level 1 complaint may be made;
- recharging does not apply to Level 2, 3 or 4.

## **Level 2 Complaint Characteristics**

**Characteristics of a Level 2 complaint includes the following:**

- requires the giving of notice to the member;
- is regarded as a 'last opportunity for resolution' by the member;
- anticipated that the member will require no more than 21 days to advise the TIO of a resolution;
- may involve the active participation of an Investigations Officer (IO) in seeking a resolution acceptable to the parties;
- requires TIO judgment in negotiating, conciliating and assessing the proposed resolution;
- involves the generation of more detailed documentation;
- generates a hard copy file;
- anticipates that the time spent by the IO will not exceed an average of 60 minutes; and
- may be raised directly without escalation from Level 1.

## **Direct Classification at Level 2**

The TIO has a discretion to classify a complaint as a Level 2 complaint from the outset without raising it as a Level 1 complaint.

The exercise of this discretion is closely monitored by the TIO and limited to the following circumstances:

- complaints where a degree of urgent action is required, such as:
  - urgent transfer delays;
  - disconnections; or
  - 'priority assistance' or other health or emergency situations involving delays in new connections or faulty repairs.
- cases where a complainant has made multiple and/or unsuccessful attempts to contact their provider to resolve a complaint;
- where time spent in the initial contact is so extensive that the TIO could not cost recover at Level 1, even allowing for the recharging procedure.

### **Level 3 Complaint Characteristics**

Characteristics of a Level 3 complaint includes the following:

- requires the giving of notice to the member;
- involves a formal investigation by the TIO;
- warrants substantial research by TIO and/or the member, possibly involving more complex issues;
- anticipates that the member will require no more than 28 days to research the matter and respond to TIO;
- issue may be deemed by the IO to have had serious consequences for the complainant;
- extensive exchange of documentation may be required;
- generates hard copy file;
- will commonly result in a dismissal of the complaint or a determination or direction where the amount involved does not exceed \$1200; and
- may not be raised without escalation via Level 2;
- will only be escalated where the member fails to offer a resolution at Level 2 or where the resolution offered is not regarded as being fair and reasonable;
- will be actively case co-managed by the IO and their Investigation Manager (IM);
- unless specifically authorised by an IM in exceptional circumstances, the IO may not make ‘further inquiries’ of the member, after the member’s formal response has been received;
- anticipate that the time spent by the IO will not exceed an average of 120 minutes.

### **Level 4 Complaint Characteristics**

**Characteristics of Level 4 Complaints include the following:**

- only raised after a discussion involving the IO, IM, Disputes Officer and the Deputy Ombudsman, (except where the member has failed to response at Level 3);
- case-managed by the IO, or Disputes Officer in consultation with the Deputy Ombudsman;
- can be raised if a Level 3 complaint is not resolved within 28 days in a manner that the TIO believes to be fair and reasonable;
- can be raised where the time taken to resolve a Level 3 complaint is well in excess of the standard timeframe;
- is raised automatically if a member refers a Land Access objection to the TIO;
- is to be raised where the quantum of the dispute exceeds \$1200;
- might require further investigation or external advice;
- in the absence of resolution by agreement between the parties, is to be resolved by a direction or determination issued by the TIO;
- may not be raised directly without escalation from Level 3, except if it involves a Land Access objection.

### **Complaint Classification**

Investigation Officers are empowered by the Ombudsman to classify complaints from Level 1 to Level 3. Complaints are generally not only classified according to the type of issue they involve, but commonly also include consideration of several other factors:

- the time spent (or predicted time spent) by the TIO on handling the complaint. Most complaints can be resolved quickly by referral back to the provider and are therefore logged

- at Level 1. If it is deemed necessary or appropriate for the TIO to invest time investigating the circumstances of a complaint, the complaint may be logged as a Level 2 complaint, particularly having regard to the limits in the recharging procedures;
- the extent to which the complainant has attempted to resolve a matter directly with the member prior to seeking the TIO's assistance, or the number of opportunities the member has already had to resolve the complaint;
  - the length of time that the TIO believes the member will require to investigate and respond to the complaint.

Other factors that are considered when classifying complaints are:

- the circumstances surrounding the complaint;
- the complexity of the complaint;
- the length of time that the complaint has been ongoing; and
- the amount of money in dispute.

There is no requirement for a Level 1 complaint to be logged before a Level 2 complaint. However, a Level 3 complaint cannot be logged without it first being logged at Level 2.

## **Complaint Escalation**

Complaints are generally escalated for one of several broad reasons. These are:

1. a member has not responded to a complaint within the given timeframe; or
2. after assessment of the available information, the TIO does not agree that the member's proposed outcome at Level 2 is fair and reasonable; or
3. a response does not contain all the information the TIO needs in order to feel it understands the full circumstances of the complaint from both sides; or
4. the initial investigation reveals further information that needs to be explored.

NB: Point 2 above is equally applicable at Levels 1 and 3.

### **Escalation from Level 1 to Level 2**

A Level 1 complaint might be escalated to a Level 2 complaint if:

- the member does not contact the complainant within 48 hours; or
- the member does not provide a proposed outcome to the complaint within 14 days; or
- the member is not able to resolve the complaint within 14 days, that is,
  - if the complainant is dissatisfied with the proposed outcome, and
  - the TIO believes further investigation is warranted.

If the Level 1 complaint was originally a telephone referral, the TIO may ask the complainant to write to it with the details of the complaint before it will consider investigating (and as such escalating) the complaint. It is important to note though, that complaints can be raised to Level 2 without receiving something in writing from the complainant.

In determining whether the Level 1 complaint will be upgraded to a Level 2 complaint, the classification guidelines as described above will apply.

### **Escalation from Level 2 to Level 3**

A Level 2 complaint might be escalated to a Level 3 complaint if:

- the member does not provide the TIO with its response to a Level 2 complaint within 21 days, i.e. to propose a resolution of the complaint; or
- the TIO believes that, based on the available information, the member's proposed resolution is not fair and reasonable; or
- the complainant is dissatisfied with the outcome of the complaint and the TIO believes that further investigation is warranted.

Unresolved Level 2 complaints will not, however, automatically be escalated to Level 3.

For example, complaints will not be automatically escalated where extra time is reasonably required for the member and the complainant to reach a resolution at Level 2, eg the member requires more time to investigate or to rectify a fault. The member should, however, indicate that this may be the case before the expiration of 21 days. The member will also be expected, in the case of any delay in fault rectification to undertake to fix such fault and provide a commitment date for doing so.

### **Escalation from Level 3 to Level 4**

While it occurs only infrequently, escalation from Level 3 to Level 4 can occur if:

- a member does not respond to the TIO's requests for a written response to a Level 3 complaint; or
- it is anticipated that the TIO must invest considerably more time in the investigation of a very complex complaint; or
- the TIO believes that, based on the available information, the member's proposed resolution is not fair and reasonable.