

Customer service and complaint handling

Complaints we receive about customer service and complaint handling include claims that a consumer:

- could not get through to their provider to make a customer service enquiry or complaint, or did not receive a response to their enquiry or complaint
- could not have a problem escalated to a manager or referred to a complaint handling department
- has been charged for making a complaint
- has accepted a provider's resolution to a problem but the provider has not followed through on the resolution
- has had their service cancelled because they made a complaint to the TIO about their provider.

Laws, codes and guidelines

The following laws and codes of practice are relevant to customer service and complaint handling:

- [Telecommunications \(Consumer Protection and Service Standards\) Act 1999](#)
- [Telecommunications Consumer Protections \(TCP\) Code 2015](#)
- Customer satisfaction – Guidelines for complaints handling in organisations AS ISO 10002-2006

Our approach

When we deal with complaints about customer service and complaint handling we consider the law, good industry practice, and fairness in all the circumstances.

The law

Rules in the [Telecommunications \(Consumer Protection and Service Standards\) Act](#) include:

- each carrier and each eligible carriage service provider must enter the TIO scheme
- the scheme must provide for the TIO to investigate, make determinations relating to, and

give directions relating to complaints about carriage services by end-users of those services

- an end-user of a carriage service is not liable to pay any fee or charge to the provider of the carriage service for making a TIO complaint.

Good industry practice

The [Telecommunications Consumer Protections Code](#) includes the following rules:

Customer service

- A provider must interact with consumers courteously, and in a fair and accurate manner
- Consumer enquiries must be dealt with in a timely and effective manner
- Average wait times must be kept to a reasonable minimum
- Records must be kept so all customer service staff can refer to the history of a particular consumer enquiry
- Customer service staff should be appropriately trained to address and seek to resolve common customer enquiries.

This position statement provides broad guidance on the law, good industry practice, and what the TIO may consider to be fair and reasonable in general circumstances. It is not a full statement of the law or good industry practice. The TIO considers each matter brought to it on its own particular merits.

POSITION STATEMENT

Customer service and complaint handling

Complaint handling

- Providers must allow a complaint to be made by phone, fax, letter, online, email or in person when a provider has a retail store
- Phone calls to make complaints should be free, or charged at local or low cost rates, when made using the provider's service
- There should be no charge for making a complaint
- Providers can only charge for reasonable costs permitted by the [Telecommunications Consumer Protections Code](#) for provision of information
- Complaints should be acknowledged immediately when made in person or over the phone, otherwise within two business days
- Complaints must be resolved in an objective, efficient and fair manner
- Any remedy offered should be tailored to suit the individual circumstances of the complaint
- Offered resolutions should be recorded and applied in an efficient manner
- Providers are prohibited from cancelling a consumer's service only because the consumer has made a complaint to the TIO or pursued other external dispute resolution options
- If a provider decides it can do nothing more to assist the consumer or chooses not to deal with the consumer any further it must inform the consumer of the reasons and the options for external dispute resolution including the TIO.

TIO view

A provider should aim to provide good customer service at each stage of its relationship with a consumer. This includes when it no longer provides the service to the consumer, for example, when it is seeking payment of outstanding charges from a former customer.

What is good customer service may change depending on a consumer's conduct. In particular, we recognise that in some circumstances such as where there is a genuine concern about the health and safety of a provider's staff, it will be reasonable for the provider to refuse to serve or continue to provide a service to the consumer.

We encourage providers to adapt the complaint handling rules in the [Telecommunications Consumer Protections Code](#) to customer service more generally. Examples of good practice include when a provider:

- offers an internal escalation process for customer service, escalating customer service enquiries on request, and when staff identify that escalation is appropriate, for example when they cannot resolve the problem
- provides free access to its customer service phone line, or charges at local or low cost rates, when calls to customer service are made using the provider's service
- uses systems that minimise customer handoffs between different business areas and deliver resolutions as promised.

When is a complaint a complaint?

A complaint is an expression of dissatisfaction made to a provider about its telecommunications goods or services, or complaints handling process, when a response or resolution is explicitly or implicitly expected by the consumer. A provider's staff should be trained to identify when a consumer is making a complaint, and be aware of the procedures to follow and the information to be given so the consumer can have their complaint responded to.

TIO processes are independent from those in the [Telecommunications Consumer Protections Code](#). In particular, we may accept a consumer's complaint even if Code timeframes have not elapsed, as long as the consumer has given the provider an opportunity to consider their complaint.

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POSITION STATEMENT

Customer service and complaint handling

Dealing with a dispute

To assess a complaint about customer service or complaint handling, we may ask for information or documents from the consumer and provider. This may include:

- customer service notes
- complaint handling notes, and
- relevant communications between the consumer and provider.

Outcomes

When, in our view, the provider's customer service or complaint handling has not effectively, objectively and fairly resolved a consumer problem, we expect the provider to resolve the problem and address any effects of the customer service or complaint handling.

This may include:

- apologising to the consumer
- providing an explanation about the circumstances that led to the problem
- waiving or refunding charges for making a customer service enquiry or making a complaint.

When, in our view, it is clear that a provider has terminated a service purely because a consumer made a complaint to the TIO, the provider should reinstate the service if the consumer wants this to happen.

When, in our view, the consumer's conduct is contributing to a delay in resolving a problem, we expect the provider to do what it can to resolve the problem. We will recommend the consumer change their conduct, and may take no further action on the complaint if the consumer does not participate in the dispute resolution process in good faith.

When, in our view, the provider has offered an appropriate resolution to a problem, we may recommend the consumer accepts the offered resolution. If the consumer does not accept the resolution we may decide to take no further action on the complaint.

Effective date: 11 March 2016

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