

TIO'S RESPONSE TO THE 2006 REVIEW OF THE TIO SCHEME

In accordance with the TIO Constitution in 2006 the Board and Council commissioned an independent review of the TIO Scheme. The review was to cover specific aspects of the TIO's performance as set out by the Steering Group nominated by the Board and Council which consisted of representatives from each of these groups. In December 2006 the Allen Consulting Group provided the TIO with its report which included 20 recommendations for the TIO's consideration. These recommendations cover many facets of the TIO Scheme.

The TIO has reviewed the recommendations and has noted that the report indicated that stakeholders were largely satisfied that the TIO Scheme was performing well. With this in mind, the TIO has approached the recommendations with a view to incorporating any recommendations where appropriate into the TIO's existing activities. The following report sets out the TIO's response to the recommendations. These have been grouped into areas of responsibility however the recommendations to which each activity relates have been noted in the footnotes.

1. Public Awareness, Accessibility and Stakeholder Engagement:

The review of the TIO Scheme raised concern about the level of awareness of the TIO among specific consumer groups as well as the accessibility of information about the TIO that is publicly available. Specific concerns were also raised about the TIO's engagement and communications with other stakeholders in relation to specific issues.

1.1 Information Gathering Activities:

The TIO currently undertakes a Consumer Awareness Survey (CAS), a Consumer Satisfaction Survey (CSS) and a Member Satisfaction Survey (MMS) on a biennial basis. In response to concerns raised in the review, the TIO proposes to investigate the costs of enhancing these surveys by:

- Increasing the CAS survey size in order to adequately survey additional ethnic groups (including what has been categorised as 'new' ethnic groups)¹
- Increasing the sample size of the CSS in order to better measure the level of consumers whose complaints are unresolved who do not return to the TIO at level 1, 2 or 3 because of 'complaint fatigue'².

The TIO notes that ACMA also has a role in undertaking more general research on complaint resolution and complaint fatigue within the telecommunications industry. The TIO proposes to liaise with ACMA about the research it conducts to determine if it does (or could) obtain data on complaint fatigue that may assist the TIO in better understanding this issue³.

The TIO has also proposed to enhance the information obtained through these surveys by:

- Including an extra question in the CAS to measure consumer awareness of TIO Position Statements⁴

¹ Report recommendation 1

² Report recommendation 17

³ Report recommendation 17

⁴ Report recommendation 9

- Incorporating an extra question in the CSS and MSS to identify any additional information stakeholders would like the TIO to provide in its annual report or otherwise⁵.

1.2 Information Accessibility:

The TIO uses a number of strategies to communicate with various stakeholders about the TIO's role and its activities. The review suggested a number of improvements that could be made to more effectively communicate with the public about the existence of the TIO, its role and its activities.

1.3 TIO website:

The TIO proposes to investigate the cost of re-designing the TIO website to improve the accessibility of information that the TIO publishes online. This will include an investigation of the costs of having key material translated into different languages to improve accessibility for culturally and linguistically diverse consumers⁶.

The TIO further proposes to enhance consumer and member awareness of the existence and application of the TIO position statements by making these easier to locate on the website and including two case studies with each Position Statement to demonstrate how they have been applied in varying fact scenarios⁷. In promotional activities utilising case studies (other than the website) the TIO proposes to use case studies involving the application of Position Statements whenever possible.

The TIO currently has a database containing contact details of persons who have asked to receive TIO publications. The TIO proposes to adapt this database to provide automated emails to people on the database containing links to any new TIO publications such as media releases and TIO Talks as they are released. The TIO also proposes to design and implement a mechanism enabling members of the public to add their details to, and unsubscribe from, that database⁸.

1.4 Other means of distributing information to the public:

In addition to the above improvements to the TIO website, the TIO also proposes to investigate the costs and feasibility of using community radio and tv to target promotional activities towards user groups who have been identified as having low awareness of the TIO Scheme. Any activities identified as being feasible will be incorporated into the annual Public Affairs Activity Plan⁹.

1.5 Engagement with Government:

The TIO has committed to continue regularly liaising with both ACCC, ACMA and DCITA in order to ensure that there are adequate referral mechanisms between the TIO and these organisations¹⁰. The TIO believes that these discussions will also assist in identifying any emerging industry issues. A standing agenda item will be added to the Council meeting agenda to discuss any issues that have been identified that may require an amendment to the scope of the TIO's jurisdiction. The Council will consider the Council Principles that have been developed to guide it in its

⁵ Report recommendation 12

⁶ Report recommendation 4

⁷ Report recommendation 9

⁸ Report recommendation 13

⁹ Report recommendation 2

¹⁰ Report recommendation 5

decisions about extending the scope of the TIO's jurisdiction when considering any items put before it in this way¹¹.

1.6 Engagement with Members:

Several submissions from the TIO's members raised concerns about the TIO's application and interpretation of the requirements of the Complaint Handling Code. As a result, the report recommended that the TIO engage with its members and the Communications Alliance to clarify the requirements of the Code. The TIO acknowledges the views expressed and is pleased to report that it is currently undertaking a joint initiative with the Communications Alliance and ACMA which will focus on Customer Service and Complaint Handling within the telecommunications industry. This project is expected to continue throughout 2007 and 2008¹².

The consultant's report also noted that there appears to be a disconnect between the TIO and elements of its ISP membership and that this disconnect could be overcome through the TIO engaging in effective dialogue with this group of members. The TIO proposes to develop an Action Plan for such engagement which might include better utilisation of the internet and / or the Ombudsman personally visiting members of this group¹³.

2.0 TIO Council and Board

The report suggested that there may be some confusion between the roles of Board, Council and the Ombudsman, and that no mechanism existed to resolve an impasse that may occur between the Board and Council. The TIO proposes to prepare a paper formalising the responsibilities of the Board and Council to enhance understanding of the respective roles of each. This document, in conjunction with the existing mechanism of holding a joint meeting between Board and Council, should assist in resolving any impasse that may arise¹⁴.

The report also suggested that the TIO reconsider the composition of the Board and Council as enshrined in the TIO's Constitution to more closely reflect the composition of the telecommunications industry, and to introduce fixed tenure for all Board and Council members, with provisions for re-appointment. The TIO has considered the views expressed in the submissions and the consultant's report, but does not propose to undertake any changes at this time¹⁵.

2.1 Position Statements:

Several submissions to the TIO review commented on the TIO's use of Position Statements in its investigation of complaints. In its report to the TIO, the consultants recommended that the TIO actively monitor the ongoing relevance of Position Statements to ensure that they adequately reflect emerging issues within the industry¹⁶. While the TIO views the development and maintenance of Position Statements as the responsibility of the Ombudsman at an operational level, it acknowledges the need for Council to have the opportunity to consider and

¹¹ Report recommendation 19

¹² Report recommendation 3

¹³ Report recommendation 20

¹⁴ Report recommendation 6

¹⁵ Report recommendations 7 and 8

¹⁶ Report recommendation 9

comment on any new Position Statements or any significant amendments to existing Position Statements. As such, the TIO proposes that the Ombudsman provide regular reports to Council on any new or amended Position Statements developed.

The report also recommended that the TIO provide reasons for any departure from its Position Statements in any given complaint¹⁷. The TIO agrees that reasons should be provided as a matter of course in any case in which a Position Statement is applicable and has undertaken to encourage staff to do so.

2.2 Key Performance Indicators and Efficiency:

The consultant's report made a number of recommendations dealing with the efficiency of the TIO's investigations process and the productivity of the investigations team. In particular, the report noted concern raised in some submissions about the TIO's average resolution timeframes and suggested that the TIO review the adequacy of the TIO's funding in reducing these timeframes.

The TIO currently uses a 'Balanced Scorecard' approach to monitor its overall performance as a Scheme. However, in response to these recommendations, the TIO proposes to refine aspects of this Scorecard¹⁸. In addition, the TIO has undertaken to produce a report proposing a realistic resolution timeframe for TIO complaints taking into account those achieved by other Ombudsman schemes¹⁹. In addition the TIO Board has commissioned a cost study to establish the actual cost of meeting those timeframes and to consider the results of that study in setting the TIO's Budget²⁰.

The TIO intends to continue the regular audits that it conducts for complaints handled by its investigations team. In response to concerns raised in the submissions, the TIO proposes to research if there is any link between poor complaint handling by its staff and any increase in the time taken to resolve a complaint in excess of the average resolution timeframe²¹. Results of this research will be incorporated into future investigations audits.

3.0 Other Operational Concerns

The TIO acknowledges the report's recommendation that complainants be given the same period extended to TIO members in which to respond to correspondence from the TIO²². This recommendation has been accepted and the TIO's investigations processes are currently being adapted to give effect to this decision.

The TIO was also asked to develop and publish detailed guidance on factors it takes into account when exercising its discretion, particularly in relation to its decisions regarding whether a particular company is considered a 'small business'²³. The TIO believes that its Policies and Procedures already adequately outline the factors that it takes into account when making such a decision. As a result, it does not intend to undertake any further action in response to this recommendation at this time.

¹⁷ Report recommendation 9

¹⁸ Report recommendation 14

¹⁹ Report recommendation 15

²⁰ Report recommendation 16

²¹ Report recommendation 10

²² Report recommendation 11

²³ Report recommendation 18