

## Provider guide to conciliation

### What is conciliation?

Conciliation is a process where everyone involved in a complaint talks about the problem and explores options to find a solution.

The role of the Telecommunications Industry Ombudsman is to facilitate a dialogue between you and the consumer. This may involve asking questions, collecting information and clarifying the issues. We may also give a view on the strengths and weaknesses of each party's position.

If we have asked you to send us information, make sure you send it to us by the due date or ask for an extension, if you need one.

### Be active in solving the complaint

As well as sending us information, we suggest you to contact your consumer and actively try to resolve the complaint.

Ask the consumer why they think their complaint wasn't resolved by your first offer. You can make any offer that you think the consumer might accept. There is no need to stick by an offer that the consumer rejected earlier.

Check that the consumer understands any technical issues that you have talked about. You might need to give this information in plain language instead.

Give the consumer information that supports your point of view. For example, you could tell them how much data they've used, or show evidence that you have arranged for someone to fix a fault.

Not all problems can be fixed immediately. If there will be a delay before a problem can be solved, tell the consumer how long it will take and why.

Tell the consumer why you think your offer is a fair solution. Be clear about what you think is reasonable, and be flexible if they ask for something similar.

### Conciliation conference

Sometimes we will invite you and the consumer and service provider to participate in a conciliation conference. This usually takes place over the phone, but can be a video conference.

In a conciliation conference you have the chance to discuss the complaint with the consumer under the independent and expert guidance of one of our Officers.

The purpose of a conciliation conference is to:

- make sure all parties clearly understand the issues in dispute
- give each party a chance to explain their point of view, and hear what everyone else has to say
- identify areas of agreement
- identify and understand the strengths and weaknesses of each party's position, and
- agree on an appropriate, fair and reasonable resolution to the dispute.

The Officer facilitating the conciliation conference may:

- ask questions to help you and the consumer explore the complaint issues
- explain which laws, regulations and good industry practice are relevant to the circumstances of the complaint
- express their view on the strength and weaknesses of each party's argument, and
- help you and the consumer develop and evaluate options for resolving the complaint.

### **Ending a conciliation**

If you and the consumer agree on a solution, tell us what you have agreed to do to resolve the complaint, and when you will do this.

If you cannot resolve the complaint by agreement, we may:

- Start an investigation
- Make an assessment
- Refer the complaint to the Ombudsman.