



Meeting the needs of consumers impacted by family violence

Systemic Investigation Report, December 2020



Telecommunications
Industry
Ombudsman

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Introduction from the Ombudsman

Each year, my office receives complaints from consumers whose phone or internet problem has been exacerbated or caused by their experience of family violence. While the number of these complaints is relatively low, the detriment suffered is often disproportionately high. Consumers impacted by family violence tell us they experience significant harm when providers do not have the processes or systems to adequately respond to their unique needs.

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We are committed to identify and report on systemic issues experienced by phone and internet consumers who have vulnerabilities that need extra care.

Family violence can happen to anyone, regardless of gender, sexuality, socio-economic background, age, religion, or culture. It can have a significant impact on a person's safety and vulnerability. Concerningly, research has shown an increased risk of family violence in current co-habiting relationships during the pandemic, likely stemming from a combination of economic stress and social isolation.¹

We are committed to identify and report on systemic issues experienced by phone and internet consumers who have vulnerabilities that need extra care. This report is based on what we see in the complaints we handle of the impact of family violence on consumers. We hope this report encourages providers to think deeply about changes they can make to best support consumers impacted by family violence.

We support the Communications Alliance development of the industry guideline *Assisting Customers Experiencing Domestic and Family Violence*.² Over the past year, we have seen some providers improve their processes for working with consumers who are experiencing family violence.



1. A Morgan and H Boxall, 'Social isolation, time spent at home, financial stress and domestic violence during the COVID-19 pandemic' (No 609, October 2020: *Australian Institute of Criminology – Trends & issues in crime and criminal justice*).
2. [Industry Guideline G660:2018 Assisting customers experiencing domestic and family violence.](#)

However, broad community understanding of family violence is still evolving, as is the telecommunications industry's response. This report shares our observations and findings about how phone and internet providers can better meet the needs of consumers impacted by family violence. The report is accompanied by tip sheets for consumers and providers to support better outcomes, including examples of approaches that providers have put in place.

I acknowledge we are on the same journey as many organisations in improving our understanding of the impacts of family violence. We have been working with family violence experts on how we can best meet the needs of consumers. We are improving our own processes and will continue to monitor and evaluate our approach as it evolves.

I encourage providers to consider, or continue, working with family violence specialists to design systems, processes, and training to better meet the needs of consumers.

We hope the issues and findings highlighted in this report, along with the other work underway in the industry, lead to improved outcomes for consumers who are experiencing family violence.

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I encourage providers to consider, or continue, working with family violence specialists to design systems, processes, and training to better meet the needs of consumers.



Helpful guide for phrases used in this report

What are systemic investigations?

Systemic investigations are investigations into issues that have or are likely to have a negative effect on a broad number of consumers or particular type of consumer, including about:

- a. providers' systems, policies, processes, or practices
 - b. repeated conduct by a provider that indicates potential non-compliance with the law, regulatory requirements, or good industry practice
 - c. widespread issues driving complaints, which may arise from general industry practices, gaps in consumer awareness, or the broader regulatory and telecommunications operating landscape.
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What is family violence?

Family violence is any threatening, coercive, dominating, or abusive behaviour that occurs between people in a family, domestic, or intimate relationship, or former intimate relationship, that causes the person experiencing the behaviour to feel fear.

Family violence is not an occasional argument, it is a continuous pattern of abusive behaviour perpetrated by one person (the perpetrator) towards another, often using multiple tactics.

Family violence is not just physical or sexual abuse. It can include many types of abuse, all of which are unhealthy and harmful.³

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What is economic abuse?

Economic abuse is when the perpetrator uses money or finances as a means to gain power over and control a person, or when the perpetrator unreasonably impacts their financial autonomy.⁴

Perpetrators can use phone and internet services to commit economic abuse by:

- limiting a person's access to finances so they have difficulty paying bills
- signing up for services in a person's name without consent
- coercing a person to sign up for products and services
- accumulating costs or debt by using services under a person's name.

3. What Is Family Violence?". Safe Steps Family Violence Response Centre, 2020, <https://www.safesteps.org.au/understanding-family-violence/what-is-family-violence/>.

4. "Financial Abuse". Safe Steps Family Violence Response Centre, 2020, <https://www.safesteps.org.au/understanding-family-violence/types-of-abuse/financial-abuse/>.

What is financial hardship?

A consumer can be in financial hardship when they cannot pay for a specific debt or ongoing bills for which they are contractually obligated. The cause of financial hardship may be temporary or ongoing.

The Telecommunications Consumer Protections Code expressly states being a victim of domestic or family violence is a factor of financial hardship.⁵

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What is a privacy breach?

A person's privacy can be breached when personal information about that person is disclosed to someone else without their consent.

An organisation or agency 'discloses' a person's personal information if they give access to it, or show it to another individual, organisation, or agency. This includes situations where the individual, organisation, or agency receiving the person's personal information already knows the information.

Personal information includes a broad range of information or an opinion that could identify a person. What is personal information will vary, depending on whether a person can be identified or is reasonably identifiable in the circumstances. For example, personal information may include a person's name, address, phone number, or date of birth.⁷ It also could include someone saying they have experienced family violence.

5. [Industry Guideline C628:2019 Telecommunications Consumer Protections Code](#) cl 2.1, Communications Alliance Ltd.

6. Office of the Australian Information Commissioner, 'Use and Disclosure of Personal Information' (2020) <https://www.oaic.gov.au/privacy/your-privacy-rights/your-personal-information/use-and-disclosure-of-personal-information/>.

7. Office of the Australian Information Commissioner, 'What is Personal Information?' (2020) <https://www.oaic.gov.au/privacy/your-privacy-rights/your-personal-information/what-is-personal-information/>.

We investigated phone and internet complaints from consumers impacted by family violence

Based on our complaint handling and systemic investigations, we found a concerning trend of complaints where the needs of consumers experiencing family violence were not being met by providers' standard systems and process.

Phone and internet problems can cause extensive harm for consumers impacted by family violence

Consumers who are experiencing family violence have unique needs. When these consumers have a phone or internet problem, these problems can cause or exacerbate other problems related to family violence.

We found providers' standard systems and processes do not always meet the needs of consumers who, because of the impact of family violence, need a higher level of care. Providers need to take extra care when interacting with these consumers so they do not add to the harm these consumers are already experiencing.

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When these consumers have a phone or internet problem, these problems can cause or exacerbate other problems related to family violence.

As the findings and case studies in this report show, the impact of phone or internet

problems can disproportionately affect consumers experiencing family violence and cause extensive harm. Failing to respond appropriately to a consumer's unique circumstances gave rise to additional privacy, safety, and financial harms in complaints we handled.

We conducted systemic investigations to find out the key areas where providers have not met consumer needs

Over the past 18 months, we conducted systemic investigations into complaint trends about account security and financial hardship processes of two large providers. These complaints involved consumers experiencing family violence, which gave rise to unique challenges and added to the resulting detriment.

In August 2020, our Systemic Investigations Team began a broader, industry-wide investigation to better understand the issues in complaints we receive involving family violence. We examined the recurring issues seen by our complaint handling teams when working with providers and consumers to resolve their complaints.

We also asked phone and internet providers of varying sizes about their experiences in supplying phone and internet services

to consumers impacted by family violence. Five providers shared with us their insights into these experiences.

This report contains the findings of these investigations.

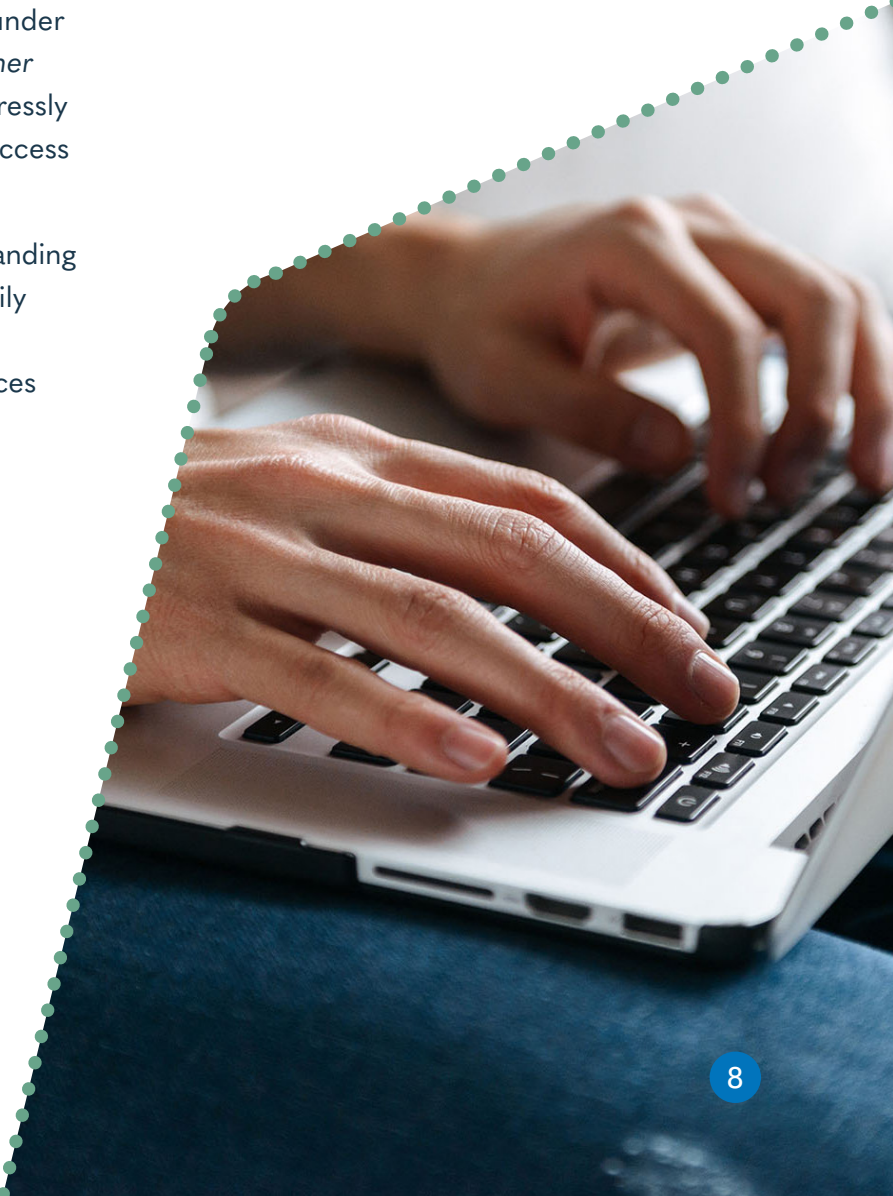
The industry's evolving approach to family violence

In 2016, the Victorian Government's Royal Commission into Family Violence published its final report. The report made several recommendations, including some aimed specifically at the telecommunications industry.

We support and draw on the work done by the telecommunications industry through Communications Alliance in creating the *Assisting Customers Experiencing Domestic and Family Violence* guideline (currently under review). The *Telecommunications Consumer Protections Code*⁸ was also revised to expressly include family violence as a criterion for access to financial hardship assistance.

We too have been developing our understanding and approach to complaints involving family violence and are looking to enhance our complaints handling processes and practices in early 2021.

8. [Industry Guideline C628:2019 Telecommunications Consumer Protections Code](#) cl 2.1, Communications Alliance Ltd.



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“If there are communication issues between a consumer and provider right from the first contact, resolving a complaint can be much more difficult. Sometimes the focus becomes about how the complaint is being handled, rather than the problems that need to be fixed. This is understandable – providers want to find a balance between being careful and resolving the complaint, and consumers want to be listened to. **A clearer understanding of the challenges faced by consumers experiencing family violence** across all providers would go a long way toward avoiding this.”

– TIO team member

Phone and internet providers face four key challenges in meeting the needs of consumers impacted by family violence

The report identifies findings and options for providers to address four key challenges:

1

Recognising and responding to consumers experiencing family violence

It can be a major challenge for providers to recognise when a consumer is being impacted by family violence. If frontline staff fail to recognise the safety and vulnerability impacts and fail to offer the right support, the detriment to consumers can be severe.

Providers can empower their staff to recognise and respond to family violence by training all frontline staff to recognise indicators of family violence, creating a dedicated referral process to specialised staff where possible, and creating a direct contact process for affected consumers.

3

Ensuring appropriate account security processes

Unauthorised disclosure of information may have extreme and dangerous consequences for consumers experiencing family violence. Sometimes standard processes for account security do not work to protect privacy because the perpetrator knows a lot about the consumer and can use this to access their account.

Providers can ensure account security processes address safety risks by listening to the consumer, offering alternative ways to verify their identity for account access, and confirming contact details and authorised representatives.

2

Understanding what a consumer needs to stay connected and safe

Phone and internet access can be a lifeline for consumers experiencing family violence. It is critical for providers to understand what consumers need to stay safe.

Providers can increase consumer options for staying safe and connected by minimising service loss when aware of safety risks and checking account authorisations to help prevent the perpetrator disconnecting the consumer.

4

Offering the right financial assistance

Family violence can contribute directly or indirectly to financial hardship. It can prevent a consumer taking control of their financial situation and lead to hardship affecting a consumer for years. Inflexible approaches from providers can increase the stress the consumer is under and contribute to further financial detriment.

Providers can allow staff to offer tailored solutions, ensuring automated processes do not exacerbate safety risks, and authorising staff to offer highly flexible payment arrangements.

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“It can be really problematic when consumers experiencing family violence have trouble contacting their provider. Often, **these consumers do not have hours to talk on the phone**, they may only have 10 minutes before the perpetrator gets home. If a consumer experiencing family violence is getting ready to leave the perpetrator, they may have to make multiple calls to different organisations, not just their phone provider.”

– TIO team member

Finding 1: Recognising and responding to consumers experiencing family violence

Consumers can face barriers to getting help if their provider has inadequate processes for identifying and responding to consumers experiencing family violence.

Recognising family violence can be a major challenge

Providers have told us it is very challenging for them to identify whether a consumer's phone or internet problem is impacted by family violence. Part of this challenge is finding respectful ways to ask sensitive questions to get the right information to help the consumer.

In the complaints we received, we found some providers did not recognise signs of family violence unless the consumer explicitly said they were experiencing it. For example, some providers failed to recognise the consumer was at risk when they referred generally to violence, "abuse", "trouble at home", or problems with an ex-partner. Some consumers told us frontline staff did not believe them or asked offensive or insensitive questions.

There are many reasons a consumer may not disclose family violence. They may not want to repeat their story, be afraid they will not be believed, or be unsure what the provider will do with that information. Sometimes it is not safe for a consumer to tell their provider they are experiencing family violence. In other cases, the consumer may not self-identify as being impacted by family violence.

Provider frontline staff require training to identify family violence impacts

Without adequate training, frontline staff may not be confident in identifying risk factors. They may also be hesitant to record information on a consumer's account about safety and vulnerability risks, especially if it does not appear to be immediately relevant to the consumer's telecommunications services or account.

When a consumer notifies a provider of a safety or vulnerability risk, they may request or expect the provider to record the risk for future interactions. If the provider does not do this, it can lead to further challenges assisting the consumer.

Where it is not possible or practical to provide specialist training to all staff, it may be appropriate for providers to have specially trained staff or a specialist team. If a provider has a process for consumers impacted by family violence, frontline staff can follow a dedicated process to connect the consumer to specialised staff who handle family violence related queries. When staff fail to accurately identify and record that a consumer is at risk, they may fail to refer the consumer to the appropriate process to receive the assistance they need. They may not advise the consumer of risks associated with the perpetrator seeing automatic communications sent as part

of a provider's standard processes. Further, staff who subsequently interact with the same consumer may not realise the consumer is at risk.

Consumers can have poor experiences when there are no dedicated processes

An absence of specific family violence processes can also be a barrier to keeping a consumer safe and delay getting them the help they need. Consumers have told us they have had poor experiences in dealing with providers who do not have a specific process in place. Consumers have found their concerns and circumstances have not been noted on their account as they expected and they are

required to repeat themselves each time they contact their provider.

Some consumers said their provider would not offer specialised assistance without proof the consumers is experiencing family violence.

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Consumers have told us they have had poor experiences in dealing with providers who do not have a specific process in place.

Suggested provider improvements

- 1. Train all frontline staff to recognise the impacts of family violence.** Training should be developed in consultation with family violence specialists. The training should cover how staff are expected to interact with consumers, including when to ask further questions, and when to record information about risks applicable to the consumer.
- 2. Create a process to refer consumers to specially trained staff or a specialist team.** Where frontline staff are not specially trained, it is best for frontline staff to refer interactions from consumers experiencing family violence to a staff member with specialised training or to a specialised team. This process should be clear about what frontline staff should do if they are

unsure if family violence is a factor, and how any internal referral is to be noted on the system. This process should be underpinned by proper privacy training and an understanding about when and how to record sensitive information.

- 3. Create a direct contact process for family violence affected consumers.**

Providers could do this by introducing a dedicated phone number, email address, or online form with specific options for consumers experiencing family violence to contact their provider. It is important that these process are regularly monitored and requests are prioritised and actioned quickly and sensitively.

Case study

Nethra was given the wrong advice and treated inconsistently by staff

Nethra* left a long-term relationship involving family violence and needed help separating her mobile services from her husband's account. Nethra contacted Mode Telco* and explained her situation. Mode Telco told Nethra they could transfer the mobile services she was using to a new account, but only with the consent of the account holder (her husband).

Mode Telco contacted Nethra's husband on her behalf, seeking his consent for the transfer of the mobile number. When Nethra received an email confirming the transfer, she was shocked to see that Mode Telco had transferred all the services on her husband's account into her name, not just the mobile services. This included an outstanding debt and ongoing monthly costs. Nethra contacted Mode Telco again, emphasising that she did not agree to this. Mode Telco told Nethra she would have to pay almost \$1,000 to terminate the services.

Nethra contacted our office for help. Nethra told us she was upset because Mode Telco called her several times, asking for her husband's contact details and giving Nethra updates on her husband's account. Nethra said this made her extremely uncomfortable. She didn't want to provide her husband's contact details and was worried he would realise she did this and contact her about it.

*Names of all parties have been changed.



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“Asking questions with sensitivity and understanding, whilst avoiding potentially triggering statements, is the most challenging aspect of interacting with customers in situations of domestic and family violence. Whilst our [a]gents are not trained counsellors, **they are conscious that their statements can have impact** and always exercise caution during their interactions.”

– Provider

Finding 2: Understanding what a consumer needs to stay connected and safe

It is critical for consumers experiencing family violence to stay connected to phone and internet services. Losing access to services can have extreme consequences for these consumers. Their safety may be compromised, and they may lose the ability to communicate with their support network and other specialist services.

Phone and internet access can be a lifeline

When consumers do not have access to a phone or internet service, they can be left without a way to call for help. Consumers may need to contact emergency services or communicate with their support networks for personal or specialist support. Some consumers may also need internet services to access basic online services such as medical appointments or banking.

Consumers may also rely on internet services for safety equipment, such as security cameras that need to be connected to the internet. Security cameras can alert consumers to immediate safety risks, so they know when to call for help. Security cameras may also record evidence that can be used by police to prosecute perpetrators or support a consumer's application for a restraining order.

Some providers told us they can offer consumers prepaid mobile options to help consumers remain connected. Providers said they try to understand what the consumer can afford and base their response on individual circumstances. However, our complaint handling experience shows providers do not always recognise how critical services are for consumers impacted by family violence.

We also see complaints where providers may recognise there is a safety risk but may not expedite a resolution to address the risk. This can lead to significant harm for the consumer.

Consumers may lose phone and internet access because of family violence

Family violence may be the reason a consumer loses access to their phone and internet services. Additionally, the impact of the family violence can mean consumers suffer more detriment from not having a connection.

(a) The consumer can't keep a mobile service as it is on the perpetrator's account

Some consumers find it difficult to keep their mobile number (or a child's number) if the perpetrator is the account holder.

Some providers told us they offer a process to unilaterally transfer the mobile number from the perpetrator to the consumer if the perpetrator will not voluntarily agree to a change of ownership. Other providers told us regulatory obligations prevented them from doing this. One provider said it prefers to set up a new service for the consumer and exercise discretion where the consumer's credit history has been affected by actions of the perpetrator.

(b) The perpetrator disconnects the consumer's service

A perpetrator may be able to disconnect the consumer's service where they are the account holder or an authorised representative on the consumer's account. Even without this, the perpetrator may find a way to access the account without authority.

Some providers told us their staff know to check and update contact information and authorised representative details to prevent unauthorised access to the consumer's account, when they are aware of family violence affecting a consumer.

(c) The service is suspended or disconnected because of outstanding debt

The consumer's service may be suspended or disconnected because of outstanding debt. The consumer could be experiencing financial hardship because their ability to pay is restricted by economic abuse (for example,

the perpetrator controls the consumer's finances). Or the consumer could be affected by costs related to family violence (for example, relocating to flee a violent relationship or needing to pay the perpetrator's expenses as well as their own).

(d) The consumer's relocation leads to a temporary loss of services

A consumer may move to a new address to flee a relationship, or move there with the perpetrator. If there are delays in transferring accounts or numbers, or setting up internet or phone connections, a consumer could be left without a service at a critical time.

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Suggested provider improvements

- 1. Minimise service loss when aware of safety risks.** This could be achieved by preventing a service being automatically suspended or disconnected because of problems paying the bill or transferring the service. Providers should offer consumers interim ways to stay connected for their safety, such as prepaid mobile or internet services.
- 2. Check account authorisations with the consumer.** When aware of safety risks, care should be taken to confirm with the consumer the right people are authorised on the account. To allow a consumer to make an educated decision about the risk, providers should tell the consumer that authorised persons can disconnect services.

Case study

A connection delay leaves Daphne without working video surveillance

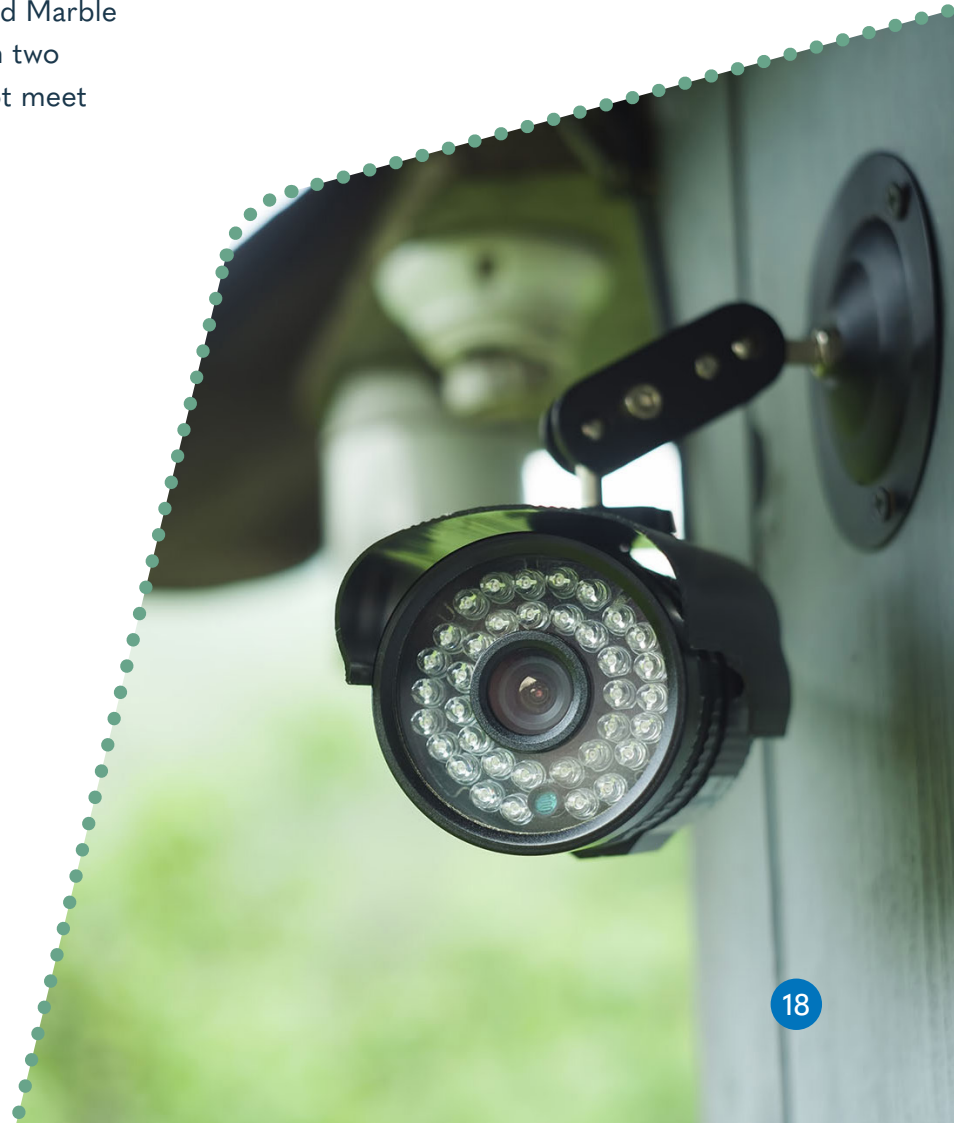
Daphne's ex-husband was abusive. Daphne left the relationship and re-located to a new residence but continued to fear he would track her down and hurt her. Daphne wanted to install video surveillance, but for this to work she needed a new internet service to be connected. She contacted her retail service provider, Marble Telco, to request an urgent connection. But Marble Telco did not process the order and asked her to submit another one. Marble Telco told her it would be connected within one month, but the delay stretched out to two months.

Daphne contacted our office and we sent her complaint to Marble Telco, requesting that they address Daphne's urgent need for video surveillance connectivity. Because we assessed Daphne's situation as urgent, we asked Marble Telco to organise a connection within two business days. Marble Telco could not meet this timeframe.

Marble Telco told our office there was no evidence Daphne had made it aware of any safety concerns and there would be a delay before the carrier and Marble Telco could set up the connection.

While Daphne was waiting, her ex-husband turned up and was violent to Daphne. If Daphne had working video surveillance, Daphne would have had evidence to provide to police. During our handling of the complaint, Marble Telco completed the new connection and agreed to compensate Daphne for the ongoing delay.

*Names of all parties have been changed.



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“...hearing about the experiences of our customers [is challenging],
some of whom are scared for their
imminent physical safety and that
of their children.”

– Provider

Finding 3: Weaknesses in account security processes can lead to privacy risks

While most providers have account security processes in place that prevent unauthorised access to a consumer's account, sometimes those processes do not work for consumers experiencing family violence. A provider may give a perpetrator access to a consumer's account without consent when the provider does not follow their account security processes, or does not offer strengthened account security measures.

Unauthorised disclosure of information may have extreme consequences

Consumers told us they experienced severe distress, anxiety, and fear when their privacy was breached and suffered significant detriment, including:

- where a provider disclosed a new address, having to move to a new house for safety reasons, often incurring significant financial expenses
- where a provider disclosed a new phone number, receiving harassing calls or voice and text messages from the perpetrator
- a provider disconnecting mobile, internet or landline services or transferring the services to the perpetrator's account.

Standard processes can be unsuitable

Our systemic investigations work shows perpetrators can exploit providers' processes for account security if these rely on personal information about the account holder to verify identity. A perpetrator is likely to have detailed knowledge of the consumer's personal information and can exploit this to gain access. This can occur in store, online, and over the phone.

We also see complaints where standard processes can lead to unauthorised disclosure of personal information if automatic communications are inadvertently sent to a perpetrator. This can happen when contact details have not been correctly updated.

Failure to follow security processes can result in privacy breaches

Our investigation found providers generally have account security processes in place, but we received complaints where staff did not follow them. In these complaints, providers disclosed consumers' personal information to perpetrators without authority.

Sometimes providers disclosed the consumer's personal information to the perpetrator even after the consumer specifically told their provider they were experiencing family violence.

We have received complaints from consumers about their provider:

- failing to remove a perpetrator's authority from the consumer's account. Some consumers told us they needed to contact their provider several times before their account was updated
- contacting the perpetrator about the consumer's account or services. This is especially significant when the provider discloses the consumer's new address, which the perpetrator did not already know
- sending the consumer's bills to the perpetrator
- listing the consumer's phone number in the White Pages after the consumer asked for an unlisted number
- linking the consumer's account to the perpetrator's account, even after the consumer opened a new account
- not actioning a request to transfer ownership of a service to or from a consumer's account.

If providers do not listen to consumers about safety concerns, this can lead to accidental disclosure of personal information to the perpetrator. Asking consumers how they prefer to be contacted can minimise this risk.

Suggested provider improvements

- 1. Offer alternative ways a consumer can verify their identity for account access.** It is important that providers listen to the consumer about the safest way the provider can ask the consumer to verify their account. Where appropriate, providers could consider offering to verify identity by sending a one-off unique verification code to the consumer's phone number. Another option the consumer could prefer is adding a PIN or password of their own choosing to the account.
- 2. Confirm contact details and authorised representatives.** As soon as the consumer says they are experiencing family violence, the provider should check the consumer's contact details and authorised representatives are up to date. Providers should ask consumers how they can be safely contacted and make a note that future requests to change contact and representative details should be checked carefully.

Case study

We worked with Sparrow Net to improve its account security process

In September 2019, we notified Sparrow Net* about a possible systemic issue with its account security process for consumers experiencing family violence.

During our investigation we found Sparrow Net's existing account security process was not always suitable for consumers who were experiencing family violence. Many consumers said the perpetrator was able to access their account using Sparrow Net's standard verification processes, both over the phone and online. This was because the perpetrator was able to pass the security checks using information they already knew about the consumer.

Consumers also complained Sparrow Net:

- inadvertently sent emails and letters containing personal information about the consumer to the perpetrator
- did not remove a perpetrator's authority on the consumer's account when requested
- did not transfer ownership of a service to or from the consumer's account when requested
- agreed to add a password to the consumer's account but did not request it in later interactions

We worked with Sparrow Net to improve its account security processes to prevent consumer's personal information being accessed or disclosed without authority. Sparrow Net stopped using the consumer's personal information as its main authentication method. Sparrow Net now sends a One Time PIN to the mobile number listed on the account.

*Names of all parties have been changed.

Case study

ScoopTel failed to keep Jade's personal information safe

Jade* told her provider, ScoopTel*, she was a victim of family violence and her ex-partner had stolen her two mobile handsets. Jade asked ScoopTel to remotely block the stolen handsets and to add a password to her account to stop her ex-partner accessing her account, which ScoopTel agreed to do.

Two days later, Jade's ex-partner impersonated Jade on online chat on multiple occasions and gained access to her account. The ex-partner changed Jade's passwords, unblocked the stolen handsets, and found out her new mobile number and her new address.

Each time Jade's ex-partner impersonated her online, the ex-partner failed to provide the correct password and driver's licence number but passed the security process by providing other details about Jade.

In the online chats, Jade's ex-partner made several incorrect attempts at guessing the password. ScoopTel sent a verification PIN

to Jade via SMS. The ex-partner told ScoopTel "Jade" could not provide the PIN because she had lost her phone and ID.

After gaining access to her personal information, Jade's ex-partner repeatedly harassed her over the phone and went to her house. Jade's ex-partner damaged her property. Jade had to move to a new house to escape her ex-partner.

We investigated Jade's complaint and found ScoopTel had breached its obligations under the Privacy Act because it had failed to take reasonable steps to protect Jade's privacy after it has been put on notice of Jade's family violence situation.

*Names of all parties have been changed.



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“We received a complaint where the consumer’s provider gave their ex-partner their contact details, even though the **ex-partner didn’t have authority on the account.** The provider offered to change the consumer’s phone number, but didn’t appreciate they had to move house to stay safe.”

– TIO team member

Finding 4: Offering the right financial assistance

Family violence of any type can lead to financial hardship. This can happen because the consumer has suffered economic abuse, or because the impact of family violence can reduce a consumer's overall financial capacity.

Family violence can directly or indirectly contribute to financial hardship

Economic abuse can lead directly to a consumer falling into financial hardship. Consumers can also suffer financial hardship because the impact of family violence has left the consumer with limited funds, financial instability (short or long term), new and existing debt, or poor credit history. These factors all have an adverse effect on a consumer's financial capacity.

Staff who have not received training on the indicators and impacts of family violence may not be aware family violence is recognised as a category of financial hardship. This is set out in the *Telecommunications Consumer Protections Code* and the guide to *Assisting and responding and responding to customers in financial hardship*.⁹ Inadequate staff training can also lead to delays in processing applications for financial assistance, or staff failing to offer the consumer any assistance at all.

We have received complaints from consumers whose provider did not recognise family violence as a factor of financial hardship or would not accept it without proof. We have also received complaints where consumers tell us they spoke about family violence but were not offered any assistance.

Consumers experiencing family violence have unique financial constraints

It can be challenging for providers to offer tailored assistance to consumers who are experiencing family violence. Some providers have said they will try to understand the consumer's individual circumstances and offer solutions on a case-by-case basis. Often, standard options for addressing financial hardship are not appropriate because of the consumer's unique financial limitations.

For example, when a consumer leaves a violent relationship, the perpetrator may steal a handset that the consumer is paying off. When the consumer reports the stolen handset to their provider, the consumer can cancel the contract, but this usually incurs outstanding handset repayment charges which must be paid immediately. Consumers have told us their provider is only willing to waive the charges if the consumer returns the handset. While this is a reasonable request for most consumers, a consumer impacted by family violence may not be able to return a handset. Contacting the perpetrator could put their safety at risk and cause further harm to the consumer. This leaves consumers in a vulnerable position

9. TIO, Comms Alliance, Financial Counselling Australia, [Assisting and responding to customers in financial hardship: Principles and practices for telecommunications providers](#) (2nd ed, April 2017).

because they cannot continue paying for the handset, pay the outstanding charges, or return the handset.

We have also received complaints from consumers who felt their immediate safety was at risk because their services were linked to the perpetrator. These consumers told us their provider said they could not untangle their services from the perpetrator's account until they paid an outstanding debt. Consumers who could not pay the debt remained vulnerable to losing their services, being contacted by the perpetrator, or the perpetrator being able to access their personal information.

The negative consequences of economic abuse can affect a consumer for years

When a perpetrator coerces a consumer into signing up for products and services they cannot afford, the negative impact of that debt can follow a consumer for years. A bad credit rating can prevent a consumer from taking back control of their financial situation for many years.

We have received complaints from consumers who said when they could not afford to continue paying for a service or debt, their provider sold the debt to a debt collection agency and listed a default on their credit file.

Consumers may not be aware of a default listing on their credit file until years later when they are refused credit because of their bad credit history. Some consumers were not even aware they owed money to their provider because the perpetrator had taken out services in their name without their knowledge or consent.

Suggested provider improvements

- 1. Allow staff to offer tailored solutions.** Tailored solutions allow providers to address consumers' needs on a case-by-case basis. Empowered staff could, for example, ask the consumer what parts of a plan they may need to retain or offer to convert a post-paid service to a prepaid service.
- 2. Authorise staff to offer highly flexible payment arrangements.** Flexible arrangements should recognise a consumer experiencing family violence may need more time than usual to pay off a debt, may only be able to pay very small regular amounts, or may not be able to start paying off a debt straight away.

Case study

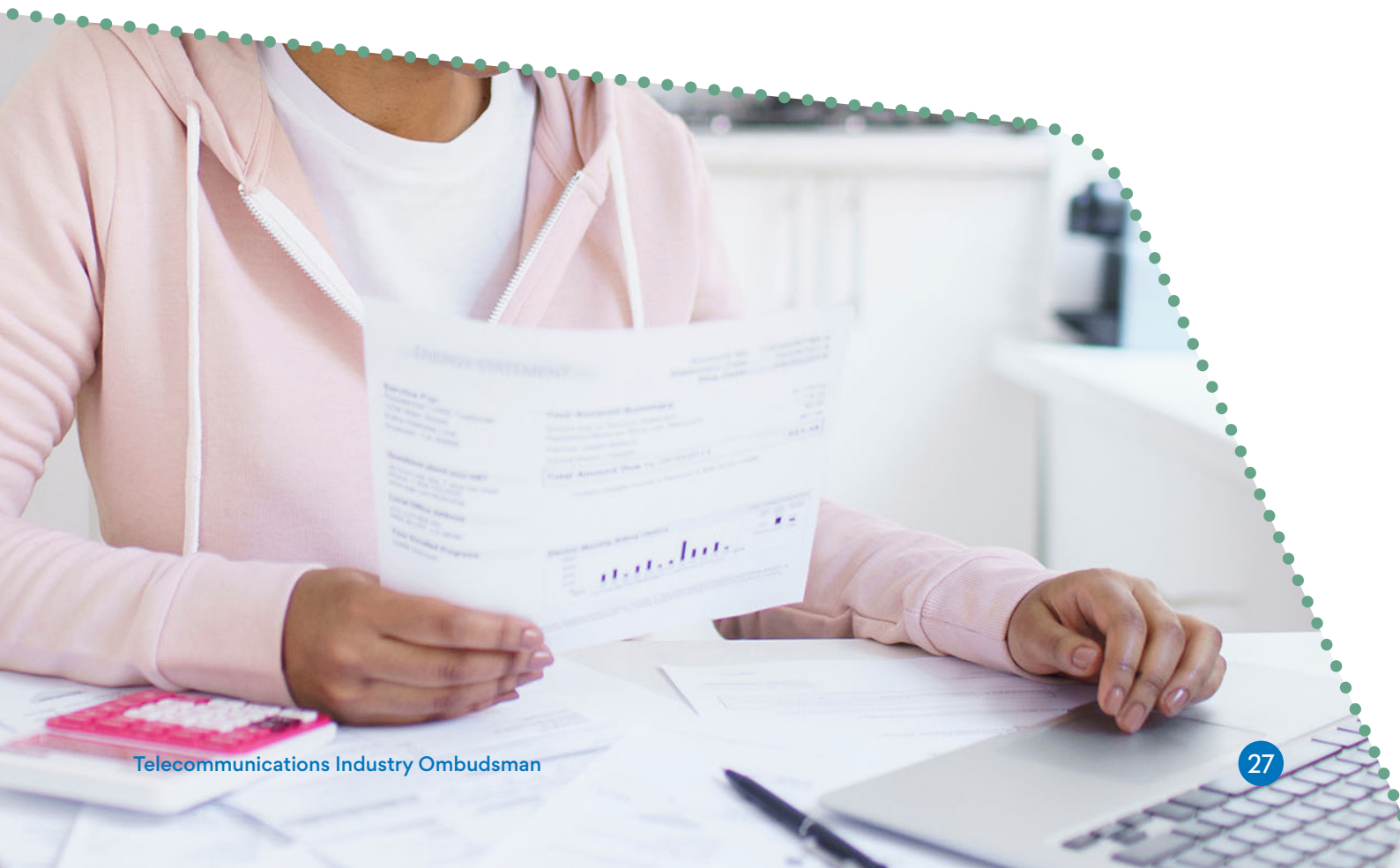
Family violence leaves Suzy struggling to put food on the table

Suzy* sought the assistance of a financial counsellor after experiencing significant family violence. Suzy had an account with Brite Talk* with multiple services and devices that her ex-partner coerced her into signing up for. Suzy said her partner used and destroyed some of the devices and was responsible for a large proportion of the outstanding handset debt.

Suzy's financial counsellor contacted the TIO. They told us Suzy had been trying to keep up with her payment plan but was struggling to put food on the table for herself and her children. Brite Talk asked Suzy for documentation to substantiate her situation before it would consider waiving the outstanding debt.

After we referred the complaint to Brite Talk, Brite Talk offered to waive part of the outstanding debt and agreed to a payment extension for the remaining amount.

*Names of all parties have been changed.



Systemic investigation

We are working with Silver Telco to improve its financial hardship response to consumers experiencing family violence

In July 2020, we notified Silver Telco* about a possible systemic issue with its financial hardship process for consumers experiencing family violence. We identified a trend of complaints from consumers who said Silver Telco did not offer them a suitable financial arrangement for their circumstances, even after telling Silver Telco they were experiencing financial hardship and family violence.

Consumers complained Silver Telco:

- did not accept the consumer's family violence situation as a factor of financial hardship
- delayed processing applications for financial assistance
- did not offer affordable payment arrangements
- asked the consumer to contact the perpetrator for the return of a handset or change of account ownership.

We are currently working with Silver Telco to improve its response to consumers who are experiencing financial hardship and family violence. Silver Telco has identified staff training as an area it needs to improve. We are also exploring options Silver Telco can offer to consumers to resolve their complaints.

*Names of all parties have been changed.



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“One consumer told us a family violence support service organised a new phone for them when their provider had suspended their service due to an unpaid debt. The consumer couldn’t afford to pay the debt because they had **already spent a significant amount of money keeping themselves safe.**”

– TIO team member

Tip sheets for providers and consumers

[Click here to read the tip sheet for providers on assisting customers impacted by family violence](#)

[Click here to read the tip sheet for consumers impacted by family violence with a phone or internet complaint](#)



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