

# Compliments and Complaints Policy

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# Compliments and Complaints Policy

## 1. Overview

This policy:

- Sets out the framework for handling compliments and complaints about the Telecommunications Industry Ombudsman and the dispute resolution service we provide
- Adopts the definitions and approach set out in the Australian/New Zealand Standard AS 10002:2022 *Guidelines for complaint management in organizations*
- Defines the types of complaints handled under this policy and complaints that are dealt with under other procedures
- Describes how compliments and complaints about our service can be made
- Describes how a complaint will be investigated, the outcome communicated and the remediation actions that may be taken

## 2. Purpose and background

This policy sets out how external stakeholders can give compliments and make complaints about the dispute resolution services provided by the Telecommunications Industry Ombudsman; and provides information about how compliments and complaints will be handled.

The policy includes the approach to receiving and dealing with “privacy complaints”, that is, complaints about the Telecommunications Industry Ombudsman’s handling of personal information under privacy law.<sup>1</sup>

The policy is designed to promote continuous improvement of our services by learning from complaints and eliminating the causes. We use complaints information as part of the ongoing review and analysis of our systems, processes and staff training. Compliments and complaints provide valuable information about the quality and effectiveness of our dispute resolution service: what is working well and which areas can be improved.

We are committed to meeting the complaint handling standards set out in the Australian/New Zealand Standard 10002:2022 *Guidelines for complaint management in organizations*<sup>2</sup>, the Australian Treasury’s *Key Practices for Industry-based Customer Dispute Resolution* (2015)<sup>3</sup> and the Australian Privacy Principles requiring a clear process for receiving and handling privacy complaints (APP1)<sup>4</sup>.

## 3. Who is covered by the policy?

This policy applies to all employees.

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<sup>1</sup> The Telecommunications Industry Ombudsman’s Privacy Policy deals with privacy law compliance and reporting to the Office of the Australian Information Commissioner

<sup>2</sup> AS 10002:2022 *Guidelines for complaint management in organizations*

<sup>3</sup> *Key Practices for Industry-Based Customer Dispute Resolution* (4 March 2015), 4.4, 6.7. See: [https://static.treasury.gov.au/uploads/sites/1/2017/06/key\\_pract\\_ind\\_cust\\_dispute\\_resol.pdf](https://static.treasury.gov.au/uploads/sites/1/2017/06/key_pract_ind_cust_dispute_resol.pdf)

<sup>4</sup> *Privacy Act 1988 (Cth)*, s14 and Sch 1

#### **4. What is a complaint?**

This policy adopts the definition of 'complaint' in AS 10002:2022 *Guidelines for complaint management in organisations*). Complaints are defined as: *expression of dissatisfaction made to or about the [Telecommunications Industry Ombudsman], related to ... [its] products, services, staff or the handling of a complaint, where a response or resolution is explicitly or implicitly expected or legally required.*

We will treat a 'complaint' as having been made under this policy where:

(a) There is an expression of dissatisfaction about:

- The conduct of an Employee, for example, complaints about rudeness, misconduct, or failure to follow the Telecommunications Industry Ombudsman's Complaint Handling Procedures
- The delivery of our dispute resolution service, for example unnecessary delays in a case or insufficient time to provide a response to a request for information
- How we have handled personal information under privacy laws including possible breaches of privacy obligations, or refusal to provide access to, or to correct, personal information held about an individual

AND

(b) A response or resolution is explicitly or implicitly expected, or legally required.

#### **5. Complaints we don't handle under this policy**

This policy does not cover:

- (a) Complaints about the assessment and decision in a case or dissatisfaction about the Telecommunications Industry Ombudsman's jurisdiction to consider the case. We handle these matters under the *Complaints Review Process*<sup>5</sup>.
- (b) Requests from members for the reclassification of a complaint. We handle these matters under the *Reclassification Requests Procedures*.
- (c) Complaints about, or requests for, data. These matters are handled by the relevant business area.

#### **6. Who can give a compliment or make a complaint**

Any person can give a compliment or make a complaint about our service including:

- A residential consumer or small business
- A member of the Telecommunications Industry Ombudsman scheme

#### **7. How compliments and complaints can be made**

Compliments and complaints about us and our service can be made by phone or in writing.

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<sup>5</sup> See: <http://www.tio.com.au/publications/factsheets-and-brochures/the-tios-complaint-review-process>

## **8. How we handle compliments and complaints**

Compliments and complaints are referred to a designated compliments and complaints manager.

### **8.1. Compliments**

When we receive a compliment, the compliments and complaints manager will record the compliment for reporting purposes, and also advise any relevant employee and their manager.

### **8.2. Complaints**

When we receive a complaint, the compliments and complaints manager will first determine whether the complaint is to be handled under this policy, or to be referred to another area for review and response under a different process.

#### **8.2.1 The process**

We are committed to providing an easy to use, responsive and fair process for handling compliments and complaints about us and our service. The process for handling a complaint includes:

- Acknowledging receipt of the complaint
- Recording the complaint in a database
- Reviewing and assessing the complaint, which may include talking to both the complainant and to any employees involved
- Advising the complainant of the outcome of the review and assessment, with reasons.

#### **8.2.2 Complaints about senior employees**

The Ombudsman may appoint a person to investigate a complaint made about a member of the Executive Leadership Team.

Complaints about the Ombudsman will be directed to the Chair of the Board, who will determine, in consultation with the Board, any steps to be taken to deal with the complaint.

#### **8.2.3 Anonymous complaints**

A complainant may make a complaint anonymously or use a pseudonym. However, this may limit the compliments and complaints manager's ability to obtain relevant information about the complaint and make a fair assessment.

#### **8.2.4 Possible outcomes**

Possible outcomes of complaints may include:

- An explanation of the process and information about how we handled the matter complained about
- Rectification of an issue raised
- An apology for the way we handled the matter complained about
- A change in the way we are handling the matter complained about
- Ongoing monitoring of issues
- A change to our process
- Staff training

### **8.2.5 Timeframes**

We will acknowledge receipt of complaints within 24 hours (or within five business days at most).

We will generally assess and respond to complaints within 20 working days. We will advise a complainant if more time is needed to consider a more complex or serious complaint.

We may prioritise certain complaints if we assess them to be urgent (e.g. complaints involving risks to health and safety, or which may result in serious detriment if not addressed quickly).

### **8.2.6 Unreasonable complainant behaviour**

We will be able to deal with complaints in a timely manner if all people involved in making, assessing and responding to the complaint are respectful and cooperative.

Occasionally, a person making a complaint may not act reasonably. This includes where someone is unreasonably persistent, demanding, uncooperative, or argumentative. It also includes unreasonable behaviour such as making threats to harm self or others, being abusive, derogatory, racially vilifying, or communication in a way with intention to demean an employee.

When a complainant acts unreasonably, we will manage the complaint in a way that is consistent with our Unreasonable Consumer Conduct Policy. This means we will address the underlying complaint issues while implementing other strategies to manage the behaviour. This could include, for example, not acting on further correspondence about a closed complaint, unless the correspondence raises new matters that had not been previously considered. It could include, as a last resort, deciding to stop handling a complaint about us, while still reviewing and, where appropriate, addressing feedback internally.

## **9 Reporting to the Board**

The Ombudsman will report half yearly to the Board on:

- Compliments and complaints received and handled under this policy; and
- Improvements to any system, process, training or other areas identified as a result of the complaints handled.

## **10 Responsibilities**

### **10.1 Ombudsman's responsibilities**

The Ombudsman is responsible for:

- providing leadership in demonstrating a commitment to the resolution of complaints and the recording and reporting on compliments and complaints;
- ensuring there is an effective, timely and impartial process for dealing with complaints;
- making, where necessary, final decisions about complaints about us or our service;
- conducting audits on the outcomes of complaint investigations from time to time;
- reporting to the Board on compliments and complaints.

### **10.2 Responsibilities of the Executive General Manager, Operational Excellence**

The Executive General Manager, Operational Excellence is responsible for:

- administering and overseeing this policy;
- overseeing the investigation of complaints about us and our service by appointing a person or persons to manage compliments and complaints. The compliments and complaints manager, will:
  - record and investigate complaints about us and our services;
  - provide feedback to individuals and managers about the outcome of investigations;
- making recommendations to the Ombudsman about any procedural or system changes required to

address issues raised by complaints;

- reporting to the Ombudsman on compliments and complaints.

### 10.3 Privacy Officer's responsibilities

The Privacy Officer is responsible for:

- reviewing and resolving all privacy complaints in a timely and fair way;
- identifying and reporting to the Office of the Australian Information Commissioner any complaints raising privacy issues that require mandatory reporting;
- providing feedback to individuals and managers;
- making recommendations to the Ombudsman about procedural or system changes to address privacy issues.

## 11 Definitions

In this Policy:

**Board** means the Board of Directors of the Telecommunications Industry Ombudsman

**Complainant** means a person who makes a complaint about us or our service

**Compliments and complaints manager** means a person appointed to record, review, investigate and respond to a complaint. It may be the Quality and User Experience Specialist, the Privacy Officer, or someone appointed by the Executive General Manager, Operational Excellence, or by the Ombudsman (such as a manager or team leader)

**Employee** means any person engaged by the Telecommunications Industry Ombudsman whether under a contract of employment, through an agency or as contractor, whether full time, part time or casual, and whether on a permanent or fixed term basis

**Executive Leadership Team** means employees appointed by the Ombudsman as members of the Executive Leadership Team.

**Member** means a telephone or internet service provider or wholesaler that is a member of the Telecommunications Industry Ombudsman scheme

**Ombudsman** means the person appointed to that role in accordance with the constitution of Telecommunications Industry Ombudsman

**Telecommunications Industry Ombudsman** means Telecommunications Industry Ombudsman Limited

**Us, and we and our** means the Ombudsman, Telecommunications Industry Ombudsman Limited and its Employees

## APPENDIX A

### Process for handling complaints about the Telecommunications Industry Ombudsman

