

TIO Extra support and flexible approach policy

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Introduction

The Telecommunications Industry Ombudsman (TIO) is committed to handling complaints and consumers that present with high risk or urgent characteristics, or the need for tailored solutions, fairly and with sensitivity.

We recognise some complaints require a different or flexible approach, and we act promptly to ensure timely resolutions. We have committed to this approach within our Operating Procedures and our Accessibility Framework and will interpret and apply our procedures with this position in mind.

Our processes permit us to be inclusive and accessible, ensure that all individuals, regardless of their circumstances, receive the support and consideration they need to achieve a fair outcome.

The TIO demonstrates these practices through:

- Urgent Classification of Complaints
- Flexible Approaches

The TIO is committed to ensuring that all complaints are handled fairly and with appropriate care. By continuously refining our processes and listening to the needs of people who use our services, we strive to deliver fairness.

If you or someone you know is having trouble resolving a telecommunications issue, we encourage you to reach out to the TIO for support and guidance.

Urgent Complaint Classification

The TIO recognises that some complaints require urgent action due to their potential impact on the individual. In these cases, we fast track our handling of these cases, and we set a shorter time period to respond (two business days) for the urgent issues of a complaint to be resolved, all other issues within the complaint observe normal timeframes.

The shortened timeframe is to reduce the impact and to prevent harm. We exercise this discretion during all stages of our complaint management process. On occasion, where circumstances presented are severe, we may choose to bypass a Referral and take the case straight to case management (refer to Flexible Approaches section below for more information).

We consider complaints require urgent attention when the impact on the consumer is likely to be significantly greater without prioritisation such as:

- Medical risks
- Safety risks
- Business outage creating financial risk
- Financial hardship
- Banking Finance Risk

Medical Risks

In assessing if a complaint is urgent because of medical risks, we may first consider if any of the following are present:

1. Does the consumer or anyone living at the property have a medical alarm/device that is compromised because of the complaint issue/s?
2. Does the consumer or anyone living at the property have a serious medical condition that is compromised because of the complaint issue/s?
3. Is the consumer or anyone living at the property registered as a priority assistance consumer?

A complaint is treated as urgent because of medical risks if:

- The Provider has failed to offer a resolution after being made aware of the issue.
- An agreed repair timeframe has passed; or
 - for Priority Assistance consumers
 - more than 24 hours have passed since the Provider was made aware of the issue for consumers in areas of 10,000 people or more or 48 hours for other areas.
- An agreed reconnection timeframe has passed; or
 - For Priority Assistance consumers

- more than 24 hours have passed since the Provider was made aware of the issue for consumers in areas of 10,000 people or more or 48 hours for other areas.
- An interim service was not offered, was unsuitable, is yet to be received, or is not working.
- The Provider has offered a resolution that is more than 24-48 hours away.

Where a unique medical situation arises that is not classified in the above examples, but the TIO believes it needs to be actioned urgently because of potential medical risks the TIO will enact this process and expects the Provider to comply.

Safety Risks

In assessing if a complaint is urgent because of safety risks, we first consider if any of the following are present:

1. Does the current issue pose a specific safety risk to the consumer?
2. Is the consumer unable to contact emergency services or unable to access essential service communications?
3. Is the consumer experiencing harassment, stalking, abuse or threats via communication channels or in person?
4. Is the consumer exposed to safety risk where their communication services are being used to facilitate scams, fraud or intimidation?
5. Has the consumer's identity or personal details been accessed without authorisation and the consumer is at risk of personal or financial harm?

A complaint is treated as urgent because of safety risks if:

- The Provider has failed to offer a solution after being made aware of the issue.
- The Provider has offered a resolution that is more than 24-48 hours away.
- An agreed repair timeframe has passed; or
 - for Priority Assistance consumers
 - more than 24 hours have passed since the Provider was made aware of the issue for consumers in areas of 10,000 people or more or 48 hours for other areas.
- An agreed reconnection timeframe has passed; or
 - For Priority Assistance consumers, more than 24 hours have passed since the Provider was made aware of the issue for consumers in areas of 10,000 people or more or 48 hours for other areas.
- An interim service was not offered, was unsuitable, is yet to be received, or is not working.

- Where a unique safety situation arises that is not classified in the above examples, but the TIO believes it needs to be actioned urgently because of the associated risks the TIO will enact this process and expects the Provider to comply.

Business Outage creating financial risk

In assessing if a complaint is urgent because of a service issue effecting a business, we first consider if the business meets the TIO's criteria for small business, we then assess if any of the following are present:

1. Are the business's services completely or partly unusable?
2. Will fixing the outage urgently stop the business from losing money and or reduce any other detriment?

A complaint is treated as urgent because of a business outage if:

- The provider has failed to offer a solution after being made aware of the issue.
- The Provider has offered a resolution that is more that 24-48 hours away.
- The business cannot conduct activities crucial for generating incomes because the services are partly or completely unusable.
- Agreed repair timeframes have passed
- Any offer to repair the services is more than 48 hours away
- An interim service was not offered or was unsuitable, not working or not received.
- There are no foreseeable opportunities for the business to take that could assist them in mitigating against loss.
- The business provides an essential or vital service to the community.

Where a unique business outage situation arises that is not classified in the above examples, but the TIO believes it needs to be actioned urgently because of the associated risks the TIO will enact this process and expects the Provider to comply.

Financial Hardship

In assessing if a complaint is urgent because of a financial hardship, we first consider if any of the following are present:

1. If the consumer has informed the Provider that they are disputing charges or require a payment arrangement.
2. If seven business days have passed since the consumer submitted a request for Hardship Assistance and they have not been provided with a response from the Provider.
3. If they are known to the Provider to be experiencing financial hardship and have subsequently received debt collection notices, pending disconnection notices or have had services restricted or been disconnected from service.
4. If billing errors have placed the consumer in financial hardship.

5. If the consumer has been denied financial hardship assistance

A complaint is treated as urgent because of financial hardship if:

- The provider has failed to offer a solution after being made aware of the issue.
- The Provider has offered an outcome that is not in line with the Telecommunications (Financial Hardship) Industry Standard 2024.
- The Provider has offered a resolution that is more than 48 hours away.
- The provider has debited disputed charges or charges subject to a pending payment arrangement after being notified of financial hardship.
- A refund has not been provided and this has placed the consumer in financial distress.

Where a unique financial hardship situation arises that is not classified in the above examples but the TIO believes it needs to be actioned urgently because of the associated risks the TIO will enact this process and expects the Provider to comply.

Banking finance risk

In assessing if a complaint is urgent because of the risk of losing bank finance, we first consider if any of the following are present:

1. Has the consumer been declined finance from a bank due to a Provider issue?
2. There are significant consequences for the consumer if the issue is not resolved within 48 hours?
3. Is there settlement of a loan or a purchase in less than 10 days that will be negatively impacted?

A complaint is treated as urgent because of banking finance risk if:

- The provider has failed to offer a solution after being made aware of the issue.
- There is a genuine risk of detriment, such as losing a deposit.

Where a unique banking risk situation arises that is not classified in the above examples, but the TIO believes it needs to be actioned urgently because of the associated risks the TIO will enact this process and expects the Provider to comply.

Flexible Approaches

Bypassing Referrals

The TIO generally operates within its standard complaint progression flows, requiring both parties to engage in the Referral process in this first instance.

While this is the case for most complaints, the TIO recognises that for a small number of consumers and complaints this process may exacerbate vulnerabilities, increase the risk of harm or adverse outcomes.

It is therefore important that the TIO has provisions in place to ensure that we are meeting the needs of those consumers and providing alternate pathways to fair outcomes.

In these circumstances, and where a Provider has had a reasonable opportunity to consider the issues raised their complaint through their internal disputes processes but not via the TIO, the TIO may commence its involvement with the complaint at Case Management.

This approach may be warranted when the complaint involves what the TIO believes to be:

- Urgent or severe issues, or where immediate action or investigation is necessary to protect individuals from further harm or detriment.
- Where both parties agree to bypass referral or make a request to the TIO to bypass referral.
- Where there are other compelling reasons presented by either party.

In exercising this process, the TIO aims to ensure faster resolutions for cases where there is increased risk of harm or adverse outcomes, ensuring that the complaint receives the immediate attention it needs.

This approach allows the TIO to address these complaints more efficiently, preventing further harm and providing tailored support. Ultimately, it enhances the overall effectiveness of the complaint resolution process, enhancing the TIO's ability to deliver fair and timely outcomes, reinforcing its commitment to consumer protection and independence.

Permitting additional time and modifying timeframes

The TIO may choose to modify its timeframes or provide additional time to respond to ensure a thorough and fair investigation of complaints.

This flexibility is crucial for several reasons. In permitted circumstances allowing extra time enables all parties to collect and submit necessary documentation, evidence, and detailed responses, which are essential for a comprehensive review of the complaint. Some complaints may involve intricate issues that require more time to understand and resolve, and extending timeframes ensures that these complexities are adequately addressed.

There may also be unforeseen events or special needs that necessitate additional time. For example, a party may require more time due to health issues, personal emergencies, or other significant disruptions. Providing additional time helps ensure that all parties have a fair opportunity to present their case, especially in situations where one party may need more time to respond due to extenuating circumstances.

Adjusting timeframes can help maintain the integrity and effectiveness of the complaint resolution process. It ensures that decisions are well-informed, just, and based on a thorough examination of all relevant information. By incorporating these adjustments, the ombudsman can uphold its commitment to delivering fair and timely outcomes while accommodating the diverse needs of all parties involved.

The TIO will decide when it is appropriate to permit additional time and will generally consider:

- The reason for the request

- The nature of the request
- The stage the complaint is at
- The impact on the other party
- The impact on the TIO

It is important to note that this approach will be used only on occasion and is at the discretion of the TIO to determine if it is appropriate.

Communicating in alternative ways

The TIO is dedicated to ensuring that every consumer has access to our services in ways that best suit their individual needs. We believe in the power of diverse and accessible communication to create an inclusive environment for all.

As such, we provide the opportunity for consumers to tell us how we can support their participation in our process, and we act on this by:

- Offering information in multiple languages
- Providing alternative formats like Braille or large print,
- Utilizing digital platforms compatible with screen readers
- Video calls
- SMS
- Auslan video conferencing
- Phone only communication
- Communication only in writing
- Interpreter services

We ensure that everyone can engage with us comfortably and effectively. Our staff trained to accommodate different needs and are always ready to offer appropriate assistance. We are committed to communicating in Plain English.

We understand the importance of tailored options and pathways to meet the unique needs of our consumers. Whether it's through flexible communication methods like video calls, text messaging, we strive to make our services as convenient as possible. Our specialised pathways for different types of complaints ensure that each case is handled with the utmost care and attention it deserves. For urgent issues, we have a fast-track process, and for people requiring tailored support, we have a dedicated team to provide the necessary accommodations.

By embracing these diverse communication strategies and tailored pathways, we can connect with a broader audience and ensure that everyone has equal access to our services. This approach not only enhances the effectiveness of our scheme but also reinforces our commitment to fairness and inclusivity.

Extra Support

The TIO is committed to ensuring that everyone can access a fair and effective complaints process, including those who may not be able to use or face difficulty using our standard complaint processes. We recognise that some individuals may face additional barriers due to their individual circumstances, communication needs, or the complexities of the issues that are dealing with. It is essential that our approach is inclusive, responsive, and designed and adjusted to meet the needs of all those who seek assistance.

Additionally, the TIO may recognise that there may be specific complaint types raised in our office that involve particularly sensitive or complex circumstances.

To support this, the TIO provides key staff with specialist skills for handling complaints from people who require extra support and consideration. In this way the TIO can ensure that individuals receive the right level of support to navigate the TIO processes.

They will use clear, accessible communication, make reasonable adjustments where needed, and take proactive steps to identify when additional assistance may be needed.

The TIO will determine which consumers and complaints will be handled in the way, based on factors that may impact a consumer's ability to engage with the TIO complaint handling process effectively. This could include where the TIO determines that there is the potential for harm due to the complaint issue or situations presented. It is possible that this may include:

- Long term financial hardship
- Health (cognitive and physical)
- Age
- Cultural, education, language or diversity barriers
- Situational, crisis and life events
- Domestic and family violence
- Other personal circumstances that may place the consumer at risk or challenge