

TIO Handling Exceptional Circumstances

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Handling Exceptional Circumstances

Purpose

This policy provides guidance on how the TIO assesses and manage reasonable requests from consumers and members for extensions of time and reopening of closed complaints.

This policy aims to ensure fairness, consistency, and transparency in decision-making and supports the TIO's obligations under the Benchmarks for Industry-Based Customer Dispute Resolution and the TIO's Terms of Reference.

Accessibility statement

The TIO is committed to ensuring all parties using our services can access and participate in our complaint handling processes. We recognise that people may face barriers to access or participate in our processes due to many factors, including, language, disability, cultural backgrounds or geographic locations.

Providers too may face unexpected situations that prevent them from participating in a way that they normally would or is expected. This policy supports our commitment to accessibility by ensuring we consider exceptional circumstances with flexibility and equity.

Exceptional circumstances

The TIO does not prescribe to a single definition of exceptional circumstances, but generally, Exceptional Circumstances refer to situations that are out of the ordinary, unexpected, or unavoidable.

When to consider exceptional circumstances

TIO staff will consider exceptional circumstances in situations where:

- reasonable requests to provide time extensions have been made
- we have decided to stop handling a complaint.

Key Factors for the TIO to consider when dealing with Exceptional Circumstances requests

When assessing a request involving exceptional circumstances, the TIO may consider:

1. **Reason for the Request** – Why is the person asking for more time or a to reopen a complaint?
2. **Timing** – How much time has passed? When did the request come in?
3. **Complaint Stage** – What stage was the complaint process at?
4. **Impact on the Requesting Party** – What would happen if the request is denied?
5. **Impact on the Other Party** – What would happen if the request is granted?

6. **TIO's Role and Obligations** – How does the decision align with fairness, efficiency, and the public interest?

Additionally, consideration of the following, where:

- Inflexibility may lead to unfair outcomes – such as a missed timeframe due to illness, disadvantage or vulnerability
- Barriers preventing equal participation – such as language, disability, cultural or geographic isolation or difficulties make it more difficult to engage
- The TIO has contributed to an error or delay – where the TIO has contributed to an error or delay, it should account for this in its consideration
- The conduct of either party preventing progress – where either party has prolonged a case through their actions/inactions or delays, flexibility should be considered to afford fairness

Decision-Making Authority

Designated TIO staff may decide whether to reopen a case or grant an extension, in line with TIO Operating Procedures.

Principles guiding TIO staff in considering Exceptional Circumstances

The principles applied in this policy are derived from the Fairness Framework, ensuring that TIO staff are guided by the values of fairness, accessibility, consistency, and transparency in their decision-making processes.

Fairness: Staff must make decisions impartially, considering individual circumstances and applying discretion where needed to avoid unfair results. This includes engaging with all parties independently, openly, and respectfully, fostering trust and collaboration.

Accessibility: Staff must ensure TIO processes are flexible and accessible to all parties, including those facing barriers such as language, disability, cultural background, or geographic location. The TIO is committed to ease of use and proactive steps to accommodate needs.

Consistency: Staff must apply policies in a routine way and document decisions clearly. The Fairness Framework promotes consistency in our processes and practices, ensuring that fairness is delivered daily.

Transparency: Staff must communicate decisions and reasons clearly to all parties. The framework provides a clear and transparent way to communicate why decisions are made, how they are reached, and the processes followed.

Review and Continuous Improvement

This policy is intended to support fair, consistent, and transparent decision-making in the handling of exceptional circumstances.

TIO staff must apply this guidance thoughtfully and in line with the TIO's values of fairness, accessibility, and accountability.

All decisions made under this policy should be clearly documented and communicated both internally and externally. The TIO will periodically review this policy to ensure it remains fit for purpose and reflects evolving best practices in dispute resolution and community expectations.