



ENERGY AND WATER
OMBUDSMAN
Victoria **Listen Assist Resolve**



Complaints about case closure policy

ENERGY AND WATER OMBUDSMAN (VICTORIA)

19 December 2022

*Note: this is an EWOV Board policy and cannot be changed without Board Approval



Overview

Complaints considered by EWOV within this category pertain solely to the decision to close a complaint. Complaints pertaining to the conduct or service on an EWOV staff member are handled under the Complaints about Service Policy.

The Energy and Water Ombudsman (Victoria) (EWOV) Charter (clause 3.10) enables us to choose to not handle or to stop handling a complaint if it is fair and reasonable to do so.

This could include the following categories:

1. We think it is reasonable for the consumer to pay some or all of the participant's charges and the consumer refuses to pay this amount.
2. We have asked the consumer to give us documents or information that we think may be relevant to their complaint and the consumer has not done so.
3. We are unable to contact the consumer because they change their contact details and don't tell us the new details.
4. The consumer doesn't stay in contact with us or respond to our reasonable attempts to contact them.
5. Another person or body can handle the complaint more effectively or conveniently than us.
6. The consumer makes the complaint for an unacceptable reason, for example only to annoy the participant.
7. We think the participant has made a fair offer to resolve the complaint and the consumer hasn't accepted it.
8. The consumer's behaviour has been unreasonable.

(1-4) Procedural Closure

EWOV can decide to close a complaint on the basis that the complaint has been 'Procedurally Closed'. Reasons for Procedural Closure are outlined in categories (1)-(4).

In the event of a Procedural Closure EWOV will only consider re-opening the complaint if there are special circumstances that prevented the consumer complying with the request, error on EWOV's behalf or EWOV deems there is merit in continuing its investigation. Prior to re-opening a case all requests previously made must be met unless there has been an agreement between the complainant and EWOV that the information is not required.

If the complainant is dissatisfied with the closure of their complaint as mentioned above they can lodge a complaint with EWOV. Please refer to the "How to Complain" section of this policy for guidelines on EWOV complaints process.

(5) Complaints more appropriately handled by another body

EWOV can decide that another person or body can handle the complaint more effectively or conveniently than it can as outlined in category (5).

A case may be closed at any stage in an investigation. It generally occurs when enough information or clarity has been obtained to determine that it is not a case that EWOV can handle. EWOV commits to making this determination as quickly as possible.

EWOV is committed to supporting investigation and resolution of complaints by the appropriate body or person. If EWOV determines it is not the right body, it can (if the complainant agrees) ask another person or body to handle the complaint and give them the documents and information we have about it. We will then tell the complainant or and the participant who will handle the complaint post referral.

If the complainant is dissatisfied with the closure of their complaint as mentioned above, they can lodge a complaint with EWOV. Please refer to the “How to Complain” section of this policy for guidelines on EWOV complaints process.

(6) Complaints made for unacceptable reasons

The Ombudsman can suggest the closure of a complaint if it deems that the complaint has been made for unacceptable reasons. In making this decision, the Ombudsman must determine and document that it is the request made and not the requester that is unacceptable and on this basis of this decision close the complaint. The complainant will be told that the complaint has been closed, and provided with reasons.

As the Ombudsman makes this determination, there is no internal avenue for complaint or appeal. The complainant is able to take the complaint to another forum, if an appropriate one is available.

(7) We think the participant has made a fair offer to resolve the complaint and the consumer hasn't accepted it

For details on how to dispute the closure of a complaint on this basis or to seek a review please refer to EWOV's [Internal Review Policy](#).

(8) The consumer's behaviour has been unreasonable

The Ombudsman can suggest the closure of a complaint on the basis that the consumer's behaviour has been unreasonable. This would only be used in exceptional and necessary circumstances and the customer will be notified of this occurrence.

As the Ombudsman makes this determination, there is no internal avenue for complaint or appeal. The complainant is able to take the complaint to another forum, if an appropriate one is available.

How to complain (categories 1-6)

1. Talk to your case handler

With any complaint, the first step is to raise the issue with the staff member that has been dealing with the case where possible, and for the complainant to discuss their dissatisfaction. The staff member will record the dissatisfaction and look to provide a suitable resolution to the complainants' concerns. This can be done via phone or email.

Timeframe to respond: Three business days

2. Ask to escalate to a Lead/Manager

If the complainant is not satisfied with the staff member's response, they can ask that their complaint be escalated to a Team Lead (or Team Manager if a Team Lead is not available). The Lead/Manager will record the dissatisfaction and look to provide a suitable resolution to the complainants concerns. This can be done via phone or email.

Timeframe to respond: Two business days

Timeframe for full response: Five business days

3. If you remain dissatisfied

If a Lead/Manager has replied to the complainants complaint but they are still dissatisfied they can request an Independent Review of the complaint. This will be handled by EWOV's Quality Assurance area. EWOV's Quality Assurance area sits outside of its Operational functions and is equipped to make an independent assessment. The Quality Assurance area will record the dissatisfaction and look to provide a suitable resolution to the complainant's concerns. This can be done via phone or email.

Timeframe to respond: Three business days

Timeframe for full response: 10 business days

Possible Outcomes

Outcomes of the complaint will be recorded and possible outcomes could include:

- an apology
- a detailed explanation
- remediation of the issue raised
- reopening of your complaint
- a change in the way we handle the case (if still currently open)
- ongoing monitoring
- a change in process
- staff training/counselling

- notification to relevant parties (EWOV board, other body)
- acknowledgement but no further action.

COMPLAINTS ABOUT CASE CLOSURE

