



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



Complaints about the scheme and Ombudsman policy

ENERGY AND WATER OMBUDSMAN (VICTORIA)

23 January 2023



Overview

Energy and Water Ombudsman (Victoria) (EWOV) receives and responds to compliments and complaints about how we undertake our role.

This policy document outlines EWOV's approach to handling complaints about:

- complaints about EWOV's jurisdiction
- complaints about the operation of EWOV
- complaints about the Ombudsman's capacity to perform their role.

We manage complaints about EWOV in accordance with the Commonwealth Government Benchmarks for Industry-Based Customer Dispute Resolution offices and the AS 10002:2022 Guidelines for Complaint Management in Organisations.

All complaints are accepted openly, treated seriously, investigated fairly, independently and in a timely way.

All complaints will be acknowledged within three business days and the outcome of EWOV's investigation into the concerns will be communicated within 10 business days, unless it is not possible to do so.

Complaints about EWOV's jurisdiction

As outlined in section 2.3 of EWOV's Charter, EWOV handles complaints regarding participants of EWOV's scheme. When a scheme participant or member of the public isn't happy about the jurisdiction of the scheme, the Ombudsman will consider the complaint. Where appropriate, and at the discretion of the Ombudsman, they may assign one of the following staff members to conduct a review into the complaint:

- Senior Operations staff member
- EWOV's quality assurance team
- EWOV Legal Counsel.

Timeframe for initial response: 3 business days

Timeframe for full response: 10 business days

If a scheme participant or member of the public disputes EWOV's jurisdiction to handle a particular complaint or complaint type, this should first be raised with EWOV's operational managers or SP liaison. Then, if the scheme participant remains concerned, any issues can be raised as outlined above.

If the scheme participant is not happy with the response, a senior staff member from the Scheme participant can formally challenge EWOV's jurisdiction by writing to the Ombudsman explaining why they believe the complaint is not in jurisdiction. Any relevant information should be included, such as the scheme participant's legal opinion on the issue where appropriate.

The Ombudsman may seek a legal opinion when considering the request and she will respond to the Scheme participant about whether the case remains in or out of jurisdiction. The complaint will continue to be investigated while the jurisdiction review is taking place.

If the Ombudsman finds that the case is within jurisdiction and the scheme participant still disputes jurisdiction, the Ombudsman will notify the Board about the Scheme participant's concerns.

The Supreme Court of Victoria has confirmed that the Ombudsman alone decides jurisdiction and the decisions are not subject to review.¹

Timeframe for Team Lead/Management Review: 3 business days

Timeframe for Ombudsman review and full response: 10 business days

Complaints about the operation of EWOV

When a scheme participant or member of the public isn't happy about the operation of the scheme, the Ombudsman will consider the complaint. Where appropriate, and at the discretion of the Ombudsman, they may assign one of the following to conduct a review into the complaint:

- Senior Operations staff member
- EWOV's quality assurance team
- Independent third party nominated by the Ombudsman

Timeframe for initial response: 3 business days

Timeframe for full response: 10 business days

In all circumstances correspondence regarding such a complaint will come from the Ombudsman

Complaints about the Ombudsman's capacity to perform their role

The Board does not review specific complaint investigation processes or outcomes because the Ombudsman has responsibility for the day-to-day operation of the EWOV scheme and the resolution of individual complaints. If a complaint is raised about the Ombudsman's ability to perform her/his role or serious misconduct, the matter will go to the Board Chair for review. The Ombudsman will report periodically to the Board on the number of complaints received and handled under this policy, including any steps taken to address any issues identified. Complaints resolved at this stage will inform system-wide changes and organisational development.

¹ *CitiPower Pty Ltd v Electricity Industry Ombudsman (Vic) Ltd [1999] VSC 275.*