



ENERGY AND WATER
OMBUDSMAN
Victoria Listen Assist Resolve



Internal Review Policy

ENERGY AND WATER OMBUDSMAN (VICTORIA)

August 2020

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



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Overview

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. Sometimes, EWOV decides to close an Investigation on the basis that a fair and reasonable response and/or offer has been made by the scheme participant. If we close a case because we think a scheme participant's response and/or offer is fair and reasonable but the customer is not happy with that decision, they can ask us to do an internal review of our investigation.

A customer can request an internal review when they are not satisfied with our decision to close the investigation into their complaint (following fair and reasonable assessment), and the customer believes that our decision is incorrect or has been impacted because:

- There was **bias** during the investigation; and/or
- There was an **error or omission in the investigation**; and/or
- The customer has relevant **new information**.

Requesting an internal review

To request an internal review, a customer needs to explain how one of the three grounds for an internal review applies to their case.

The grounds for internal review

The three grounds for internal review are:

1. bias; and/or
2. error or omission during investigation; and/or
3. the customer has relevant new information.

In addition to establishing one of the grounds, it must also be shown that the bias, error/omission or relevant new information is not insignificant/minor; that is, it is likely that it affected the decision to close the complaint.

The scope of the grounds for review

- Bias – includes a decision made during EWOV's investigation that a fair-minded and informed member of the public would think showed a lack of impartiality or independence.
- Errors or omission – includes a mistake in the investigation, or something done incorrectly, because of a lack of knowledge or oversight.
- Relevant new information – relates only to information that was not previously available to the customer, which is directly relevant to the complaint and likely to have changed the outcome.

How to request an internal review

A customer must write to us (by email, letter or fax), within 20 business days of the closure of their complaint. They will need to explain which of the three grounds they believe applies to the investigation of their complaint. The customer needs to include details of the bias, error/omission or relevant new information and explain how it affected the decision to close the complaint. If the customer is not able to write to us, we may be able to accept the request by telephone or in person.

We'll consider the request and write to the customer within five business days of receiving the request. We'll let the customer know whether or not we will review the complaint.

Possible outcomes of an internal review request

Grounds not raised

If the customer's written request does not clearly explain how at least one of the grounds for an internal review applies, and how it affected the closure of the complaint i.e. no bias was evident; or information provided was not new or it was not relevant; or there was no error or omission in our investigation:

- we will not review the complaint by internal review
- we will write to the customer to explain our decision not to review the complaint
- we may escalate the customer's concerns to be reviewed by our management team.

Grounds raised and we decide to review the complaint

If we decide to review the complaint, we'll appoint an Internal Review Panel of skilled and experienced staff to review the case. The Internal Review Panel will include staff who have not been involved in the investigation, and at least one senior staff member at EWOV. The Internal Review Panel will:

- Review our investigation into the complaint.
- Decide if the concerns raised would have changed the outcome.
- Write a report to explain its decision.

Possible outcomes following an internal review

The outcome of the investigation is not affected

If the Internal Review Panel decides that the concerns raised would not have changed the outcome of the investigation, the complaint will remain closed.

Grounds upheld

If the Internal Review Panel decides that the concerns raised were likely to have changed the outcome of the complaint, we may re-open the complaint and continue investigating the customer's concerns.

Whether we re-open the complaint or not, we'll write to the customer within 20 business days from the day we received the internal review request to explain the Internal Review Panel's decision.

When reviewing the customer's concerns, we might also change our processes or find that training of staff member/s will help improve our service.

Appendix A - Process for handling internal review requests (fig.)

