

# **TIO Complaint Classification and Escalation Guidelines**

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## **Definition of Complaints and Enquiries**

The TIO receives complaints via its telephone and fax numbers, as well as by letters, e-mails and visits to its office.

During the first contact with a complainant, the Enquiry Officer (EO) or Investigations Officers (IO) will determine whether a matter is an enquiry or a complaint.

A matter is determined to be an enquiry if it is:

- not a complaint;
- a request for information, including information about a TIO member;
- a complaint that is outside the TIO's jurisdiction;
- an anonymous complaint; or
- a 'first resort' complaint, that is a complaint that has not yet been raised with the provider.

Members are not charged directly for enquiries.

Complaints are defined as 'expressions of dissatisfaction or grievance' and are logged directly against a TIO member.

Complaints can be classified as Level 1, Level 2, Level 3 and Level 4 complaints. The characteristics of each complaint level are as follows:

### **Level 1 complaint characteristics**

- are not being formally investigated by the TIO; rather, the member is given a final opportunity to resolve the complaint without TIO involvement;
- can be in written or oral format;
- are open and closed immediately, or within 48 hours;
- are usually referred back to the member, either as a telephone referral or in writing;
- may be logged without referral back to the member, for reasons of cost-recovery;
- are able to be handled immediately by referral to the member organisation;
- should be resolved by the member directly with the complainant;
- should be resolved by the member within 14 days with limited input from TIO;
- no requirement on the member to notify the TIO of the outcome, although sometimes the member might find this useful;
- involves no or limited standard documentation;
- should not take more than an average of 10 minutes of an Investigation Officer's (IO's) time to handle, with an upper limit of 20 minutes.

### **Level 2 complaint characteristics**

- require the giving of notice to the member;
- warrant some investigation by TIO and/or the member;
- anticipated that the member will require no more than 21 days to research matter and respond to TIO;
- involves the generation of more detailed documentation;

- requires judgement in assessing a response from a member and subsequent advice to complainant;
- generates a hard copy file;
- anticipated that the time spent by the IO will not exceed an average of 40 minutes; and
- may be raised directly without escalation from Level 1.

### **Level 3 complaint characteristics**

- require the giving of notice to the member;
- warrants substantial research by TIO and/or the member, possibly involving more complex issues;
- anticipated that the member will require no more than 28 days to research the matter and respond to TIO;
- issue may be deemed by the IO to have had serious consequences for the complainant;
- extensive exchange of documentation may be required;
- generates hard copy file;
- anticipated that the time spent by the IO will not exceed an average of 90 minutes;
- might result in a determination where the amount involved does not exceed \$400; and
- may not be raised without escalation via Level 2.

### **Level 4 complaint characteristics**

- require the giving of notice to the member;
- only raised after a discussion involving the Investigation Officer, Investigation Manager and the Deputy Ombudsman;
- case-managed by the Investigation Officer, in consultation with the Deputy Ombudsman;
- can be raised if a Level 3 complaint is not resolved within 28 days in a manner that the TIO believes to be fair and reasonable;
- can be raised where the time taken to resolve a Level 3 complaint is well in excess of the standard timeframe;
- are raised automatically if a member refers a Land Access objection to the TIO;
- if the dispute involves money, are generally only raised if the amount of money in dispute exceeds \$400;
- might require further investigation or external advice;
- might require mediation meetings to find a resolution;
- are resolved by agreement between the parties or by a direction or determination issued by TIO;
- may not be raised directly without escalation from Level 2 or Level 3, except if it involves a Land Access objection.

## **Complaint Classification**

Investigation Officers are empowered by the Ombudsman to classify complaints from Level 1 to Level 3. Complaints are generally not only classified according to the type of issue they involve. Several other factors are taken into consideration. The most significant factors are:

- the time spent (or predicted time spent) by the TIO on handling the complaint. Most complaints can be resolved quickly by referral back to the provider and are therefore logged at Level 1. If it is deemed necessary or appropriate for the TIO to invest time investigating the circumstances of a complaint, the complaint will be logged as a Level 2 complaint.

- the extent to which the complainant has attempted to resolve a matter directly with the member prior to seeking the TIO's assistance, or the number of opportunities the member has already had to resolve the complaint;
- the length of time that the TIO believes the member will require to investigate and respond to the complaint.

Other factors that are considered when classifying complaints are:

- the circumstances surrounding the complaint;
- the complexity of the complaint;
- the length of time that the complaint has been ongoing; and
- the amount of money in dispute.

There is no requirement for a Level 1 complaint to be logged before a Level 2 complaint. However, a Level 3 complaint cannot be logged without it first being logged at Level 2.

## **Complaint Escalation**

Complaints are generally escalated for one of several broad reasons. These are:

1. a member has not responded to a complaint within the given timeframe; or
2. a response does not contain all the information the TIO needs in order to feel it understands the full circumstances of the complaint from both sides; or
3. after assessment of the available information, the TIO does not agree that the member's proposed outcome is fair and reasonable; or
4. the initial investigation reveals further information that needs to be explored.

### **Escalation from Level 1 to Level 2**

A Level 1 complaint might be escalated to a Level 2 complaint if:

- the member does not contact the complainant within 48 hours; or
- the member does not provide a proposed outcome to the complaint within 14 days; or
- the member is not able to resolve the complaint within 14 days, that is, if the complainant remains dissatisfied with the proposed outcome, and the TIO believes further investigation is warranted.

If the Level 1 complaint was originally a telephone referral, the TIO will generally ask the complainant to write to it with the details of the complaint before it will consider investigating (and as such escalating) the complaint. It is important to note though, that complaints can be raised to Level 2 without receiving something in writing from the complainant.

In determining whether the Level 1 complaint will be upgraded to a Level 2 complaint, the classification guidelines as described above will apply.

### **Escalation from Level 2 to Level 3**

A Level 2 complaint might be escalated to a Level 3 complaint if:

- the member does not provide the TIO with its written response to a Level 2 complaint within 21 days; or
- the TIO believes that based on the available information, the member's proposed outcome is not fair and reasonable; or
- the member does not answer all the questions the TIO has asked in the complaint letter; or

- the member does not address all the issues raised by the complainant; or
- the member has not provided other information the TIO has specifically requested, e.g. copies of testing results or customer service notes; or
- the member has not supported its position with available evidence; or
- the complainant is dissatisfied with the outcome of the complaint and the TIO believes that further investigation is warranted.

#### **Escalation from Level 3 to Level 4**

While it occurs only infrequently, escalation from Level 3 to Level 4 can occur if:

- a member does not respond to the TIO's requests for a written response to a Level 3 complaint; or
- it is anticipated that the TIO must invest considerably more time in the investigation of a very complex complaint; or
- the TIO believes that, based on the available information, the member's proposed outcome is not fair and reasonable.