



Complaint and Dispute Resolution Policy – ERC





1 Summary

1.1 In keeping with ERC's obligations and Compliance Framework, ERC will undertake several activities to ensure that customer complaints are managed in an efficient and timely manner and in accordance with the terms of ERC .

1.2 The Energy Retail Code (ERC) section 28.1 states “A retailer must handle a complaint by a customer in accordance with the relevant Australian Standards on complaints handling.” The original Australian Standard for complaints handling was AS 4269 in 1995, and this has been superseded over the years. The relevant current Australian Standard and is AS/NZS 10002: 2014 *Guidelines for complaint management in organizations*, with the international standard subsequently adopted in 2018 in substantially similar terms.

2 Background

2.1 This Complaints Policy has been developed by ERC following the consideration of several factors. It is recognised that maintaining an effective and efficient Complaints Management System will contribute towards increasing customer satisfaction, customer retention, early recognition of system and process failures, quality management systems, as well as an effective compliance and risk monitoring system.

2.2 Whilst the Licence and the ERC refers to compliance with the Australian Standards, ERC Energy has established this Policy in line with International Standards (AS ISO 10002:2018) in order to ensure that it remains at the forefront of developments in the management of complaints.

2.3 The corner stone of ERC is its ability to deliver Simple, Transparent and Customer Focused Products and Services to its customers.

3 International Standards for Complaints Handling (ISO 10002)

3.1.1 ISO 10002:2018 recognises the following elements as the guiding principles for effective complaints management:

- Visibility
- Accessibility
- Responsiveness
- Objectivity
- Charges
- Confidentiality
- Customer-focussed approach
- Accountability
- Continual Improvement

3.2 This policy incorporates complaints handling for customers of ERC Energy.

3.2.1 It should be noted that as ISO 10002:2018 is not applicable for external dispute resolution or employment related issues. The external dispute resolution aspect is designed in line with the Operational Procedures of the Ombudsman Scheme/s. The employment related Issues are covered in the Human Resources Procedures.

4 What is a Complaint?

4.1 “A verbal or written expression of dissatisfaction about an action, a proposed action or a failure to act, or in respect of a product or service offered by or provided by a retailer, its employees or contractors where a response or resolution is explicitly or implicitly expected. This includes failure by a retailer to observe its published practices or procedures”.



5 Criteria for Identifying a Complaint under the Definition

- 5.1 A complaint can be received either in writing or verbally
- 5.2 Complaints differ from an enquiry when it is an “expression of dissatisfaction”
- 5.3 The expression can be related to but not limited to an action, a proposed action, or a failure to act by ERC.
- 5.4 The complaint can be in relation to and not limited to a product or service offered or provided by ERC.
- 5.5 The complaint can be in relation to and not limited to ERC and its employees or contractors and any representatives of the ERC brand.
- 5.6 The complaint can be in relation to and not limited to failures by ERC to observe its published practices or procedures.
- 5.7 Some examples of complaints can be in relation to:
 - 5.7.1 Wrongful disconnection
 - 5.7.2 Claims of harassment by Sales Agents or Debt Collection Agents
 - 5.7.3 Failure to follow through on a service or advice given to a customer or on a customer request
 - 5.7.4 Failure to adhere to company policy and procedures as expressed by the customer

6 Recognition of Systemic Issues

- 6.1 It is crucial that ERC can identify systemic and reoccurring issues and complaints. An effective complaints management system will be able to identify and capture this information for the purpose of increasing the quality of service and risk management.
- 6.2 A valuable source of identifying systemic issues is through internal customers or employees of ERC who have the skills, knowledge, and ability to identify systematic problems at early stages.
- 6.3 ERC encourages staff to identify any potential or actual systemic issue and raise it with their immediate manager or notify the Regulatory and Compliance Department to enable ERC to take corrective action and/or mitigate any exposure to the organisation.

7 Providing Visibility

- 7.1 In order to provide customers with visibility into the complaints management system and opportunity to raise concerns ERC utilises several methods.
- 7.2 All invoices issued provide a contact number and encourages customers to contact ERC to provide feedback or raise any concerns.
- 7.3 Any customers making contact through this contact number can lodge a complaint for investigation by the Customer Service Representatives and if the customer is unhappy with the response, request to have the complaint escalated to a higher level within the business. The customer is then advised in writing that if he or she remains dissatisfied, he or she has the right to refer the complaint to the Energy Ombudsman or other relevant external dispute resolution bodies.
- 7.4 Customers are invited to provide feedback or raise concerns through the ERC web site.



8 Responsiveness

- 8.1 All complaints received by ERC will be acknowledged either in writing or verbally.
- 8.2 Level 2 and 3 complaints (described in section 18) will be acknowledged in writing when required.
- 8.3 All complaints received will be addressed promptly and in line with their urgency.
- 8.4 All complaints will be managed courteously, and ERC will ensure that the complainant is kept informed through the process
- 8.5 All complaints will be managed in line with this policy and the process.
- 8.6 All complaints will be resolved within a reasonable period, avoiding unnecessary delays. If a complaint is not resolved within one month of the date the complaint has been made the customer will be advised either in writing or verbally of their right to raise the complaint with the Ombudsman.
- 8.7 If a complaint is not resolved internally in a manner acceptable to the customer an explanation will be provided to the customer either verbally or in writing of the resolution offered and details of the investigations. The customer will also be advised of their right to refer the matter to the Ombudsman.

9 Objectivity

- 9.1 Any complaint will be managed and assessed on its individual merit with ERC's aim being to resolve the complaint.
- 9.2 All complaints will be managed in an equitable, objective, and unbiased manner through the complaints handling process.

10 Charges

- 10.1 Access to the complaints-handling process will be at no cost to the customer.
- 10.2 The customer will only incur a cost if he or she requires investigations to be carried out that require the assistance of a third party who charges for those investigations. For example, an energy auditor, meter test etc.

11 Confidentiality and Record Keeping

- 11.1 As per AS ISO 10002:2018 "Personally identifiable information concerning the complainant should be available where needed, but only for the purpose of addressing the complaint within the organization and should be actively protected from disclosure, unless the customer or complainant expressly consents to its disclosure".

12 Customer Focused Approach

- 12.1 When managing a complaint ERC will adopt the three main principles of natural justice.
- 12.2 THE HEARING RULE - ERC will provide the customer with an adequate opportunity to state their complaint and respond to the outcomes of the investigations conducted by ERC.
- 12.3 THE BIAS RULE - ERC will address each complaint with an independent approach and ensure that each complaint is viewed on its own merits. The decisions will be impartial and based on a



balanced and considered assessment of the results from the investigation without favouring one party.

- 12.4** THE EVIDENCE RULE - The decision-making process with managing a complaint will be based on logical proof or evidence material at all possible times. ERC wherever possible will avoid decisions based on speculation or suspicion.

13 Accountability and Reporting

- 13.1** On conclusion of the investigations of each complaint, ERC will attempt to identify any system or process failures and if identified the issue will be raised with ERC's designated Compliance Manager.
- 13.2** The Customer Care Manager will report to the Executive Team the number and type of complaints received by ERC.
- 13.3** The complaints register will be the basis of recording all complaints which will be reviewed by the Customer Care Manager.
- 13.4** All systematic issues will be reviewed by the ERC's Regulatory and Compliance Team unless urgent action is otherwise required. Necessary action will be taken to mitigate the issue and the impact on customers.
- 13.5** Where appropriate the Compliance Manager will notify relevant regulatory bodies of any complaints received by ERC.
- 13.6** Any reports to the relevant regulator will be prepared and submitted in line with relevant requirements, including compliance and performance reporting requirements.

13.7.1 Complaints -Billing / Credit

"A complaint regarding overcharging, prices payment terms and methods, and debt recovery practices. This category may include billing errors, incorrect billing of fees and charges, failure to receive relevant government rebates, high billing, credit collection, disconnection and reconnection, and restriction due to billing discrepancy, but is not limited to these examples"

13.5.2 Complaints - Marketing

"A complaint associated with a retailers' actions in seeking to sign up a small customer for a contract, and may include matters such as the nature of the approach or conduct, advertising campaigns, contract terms, sales techniques and misleading conduct, but is not limited to these examples"

13.5.3 Complaints -Transfers

"A complaint associated with the financial responsibility for a customer's meter being transferred to an existing or new retailer and may include, but is not limited to, failure to transfer within a certain time period disruption of supply due to transfer and billing problems directly associated with the transfer (e.g., delay in billing, double billing)"

13.5.4 Complaint - Other

"Any complaint about the quality and timeliness of retail services, other than a billing complaint, marketing complaint or a transfer complaint. Examples include poor service, privacy considerations, failure to respond to complaints, and health and safety issues."



15 Process Management

- 15.1** The management of the complaints handling process is the responsibility of ERC's Customer Care Manager. However, ERC as a whole, is dedicated to ensuring that customer complaints are captured, managed, and resolved in a timely manner. The Customer Care Manager will review monthly the complaints register and consider the nature of the complaints received with a view to identifying opportunities to improve the quality of the service offered to customers.

16 Stages of Complaints Handling

- 16.1** Level 1/Frontline Complaints – These are complaints received and managed by the Customer Care Team.
- 16.2** Level 2/Escalated Complaints – Any complaints which cannot be resolved at the frontline, require detailed investigation, and are escalated to a team leader/manager for resolution.
- 16.3** Level 3/Ombudsman - Complaints which cannot be resolved at a level 1 or 2 will be referred to a level 3 which is the External Dispute Resolution Body/Ombudsman. These referrals will be done in writing. All Ombudsman complaints will be managed in line with the requirements of the Ombudsman Charter and operational manuals. These complaints will be managed by the Regulatory and Compliance team and managed by the Service Manager.

Any complaints which cannot be resolved at a level 1, 2 or 3 can be addressed through an Alternative Dispute Resolution body or in extreme cases through litigation.



Appendix A

Complaint Acknowledgement Letter

[date]

[name]

[address]

[suburb] [postcode]

Dear [name],

In relation to your concerns raised on <.....>

We would like to thank you for taking the time to raise your concerns with ERC Energy and providing us with the opportunity to address them.

We are currently in the process of investigating your concerns and hope to be in contact with you within the next five business days. Your concerns are being addressed by the appropriate staff members and will be managed in an efficient and timely manner.

At ERC Energy we pride ourselves on providing outstanding customer experience in line with our vision and are always looking for opportunities to improve. Your feedback is valued and will assist us in this endeavour.

In the meantime, if you require any further assistance, please contact us by:

- Phoning our call centre on (07) 5437 8188; or
- E-mailing us at cs4@energyresources.com.au

We appreciate your feedback and thank you for the opportunity given to address your concerns.

Yours sincerely,

<Name>

Customer Care Manager



Appendix B

Complaint Closure Letter

[date]

[name]

[address]

[suburb] [postcode]

Dear [name],

In relation to your concerns raised on <.....>

We would like to thank you for the opportunity given to address your concerns.

We have made every effort to help resolve your concern, and as such, we are now closing your complaint.

If we have not resolved the complaint to your satisfaction, you have the right to refer your concerns to the Energy and Water Ombudsman should you wish to pursue this matter further.

Once again, we thank you for the opportunity given.

Yours sincerely,

<Name>

Customer Care Manager

Definitions

Complaints Reporting to the Australian Energy Regulator

With the adoption of the National Energy Retail Law (South Australia) 2011 (SA) in the state of Victoria ERC Energy will amend its reporting of Customer Complaints to reflect the requirements set out in the AER Guidelines Performance Reporting Procedures and Guidelines (June 2012 Version 2). The reporting definition will be consistent with Schedule 3 of the Guidelines (Retail Market Activities Report)

Complaint

'An expression of dissatisfaction made to an organisation, related to its product/services, or the complaints-handling process itself, where a response or resolution is explicitly or implicitly expected'. Complaints can be made in person, by telephone or in writing (for example, letter, email, facsimile). For the avoidance of doubt, complaints include the following type of contacts:

- Where a customer expresses dissatisfaction and seeks a response or resolution regarding the conduct, action, proposed action, or failure to act by the retailer, its employees, agents, contractors, or other representatives. This includes failure by the retailer to observe its published or agreed practices or procedures or in respect of a product or service offered or provided by the retailer or its representatives;
- Where a customer threatens to involve, or enquires about the possibility of involving, a third party, for example, the jurisdictional energy ombudsman or Member of Parliament;
- Where a complaint is directed to the retailer on behalf of the customer by an energy ombudsman scheme.

Billing Complaint

Includes (but is not limited to) a complaint regarding prices, overcharging, high bills, billing errors, payment terms and methods, failure to receive government rebates and debt recovery practices including complaints about imminent and actual disconnection, etc.

Energy Marketing Complaint

Includes (but is not limited to) a complaint associated with a retailer's or its agents/representatives' actions in seeking to sign up a small customer for a contract for energy supply/service and may include matters such as the sales approach or conduct, advertising campaigns, contract terms, sales techniques, misleading conduct, etc.

Customer Transfer Complaint

Includes (but is not limited to) a complaint regarding the financial responsibility for a customer's electricity or gas account being transferred to either an existing or new retailer and may also include general transfer complaints such as failure to transfer within a certain period, disruption of supply due to transfer and billing problems directly associated with transfer, etc.

Other Complaints

Includes any complaint not included in the definitions of billing, energy marketing and customer transfer complaints above.