

EnergyCo

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EnergyCo External Complaints Procedure

February 2025

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1. Purpose

This document has been developed in accordance with, and to implement, the EnergyCo External Complaints Policy (the Policy). This procedure enables all staff of the Energy Corporation of NSW (EnergyCo) to respond to complaints in a transparent, fair and consistent manner. Compliance with these procedures is mandatory for all EnergyCo employees, contingent workers and contractors who are engaged to perform work for EnergyCo.

2. Definition and scope

2.1 What is an external complaint?

An “external complaint” is an expression of dissatisfaction made to EnergyCo, or about

- EnergyCo
- our decisions
- our services
- our staff (employees, contingent workers and contractors)
- the handling of a complaint

where a response or resolution is explicitly or implicitly expected.

External complaints include:

- the quality of an action taken
- a delay, failure or error in providing a service
- unprofessional behaviour.

2.2 What is not an external complaint?

External complaints do not include the following which should be addressed under separate policies or processes:

- General feedback
- Costs of services provided by EnergyCo
- Grievances (e.g. workplace issues raised by a staff member)
- Public interest disclosures by public officials
- Regulatory and compliance requirements (including matters that have a specific legislative or regulatory framework for consultation or dispute resolution e.g. land acquisition)
- Requests for information or service
- Privacy complaints

- Responses to public consultations.
- Matters outside the control of EnergyCo

3. Making a complaint

3.1 How can people make a complaint?

All EnergyCo staff are expected to understand and comply with EnergyCo's complaint handling practices, including the Policy, this procedure and other relevant procedures. We must treat people with respect and courtesy and should assist people with their complaint if needed.

We encourage people to raise concerns as soon as possible and submit complaints promptly to enable a thorough review and timely resolution. Late complaints, such as those raised many months after the alleged event, may not be practicable to investigate, address or resolve. We may not be able to accept complaints made 12 months after the alleged event.

The most direct way for people to make a complaint is to submit a complaint form online via EnergyCo's website www.energyco.nsw.gov.au.

People can also make a complaint to EnergyCo by:

- Email at contact@energyco.nsw.gov.au
- Telephone on 1800 118 894 (9am to 5pm, Monday to Friday)
- Write to us at GPO Box 5469, Sydney, NSW 2001.

Complaining to EnergyCo is free of charge.

3.2 Accessibility

EnergyCo makes information about how to make a complaint easily accessible on our website, including information about the External Complaints Policy and this document.

3.3 Independent advice by Energy & Water Ombudsman NSW

We will inform people about their right to contact Energy & Water Ombudsman NSW (EWON) at any time for independent advice and assistance. This includes advising that EWON is a free and independent dispute resolution body that investigates and resolves complaints about electricity, gas and some water providers. EWON's contact details (below) are available on EnergyCo's website.

Energy & Water Ombudsman NSW

- NSW Freecall: 1800 246 545
- Freefax: 1800 812 291

- Website: www.ewon.com.au
- Post: Reply Paid 86550, Sydney South NSW 1234

4. Complaint handling steps

By following these procedures, EnergyCo staff are empowered to resolve complaints promptly, directly and without unnecessary formality. We adopt flexible approaches to service delivery and problem solving to enhance accessibility for people making complaints and/or their representatives.

We will assess each complaint on its merits and involve people making complaints and/or their representative in the process wherever appropriate.

The following steps are primarily carried out or facilitated by a designated complaint management team, reporting to the Director Governance, Risk and Compliance and supported by communications and engagement staff.

All EnergyCo staff are required to treat people with respect and courtesy, help people make a complaint (if needed) and cooperate with the complaint management team to resolve complaints in accordance with this procedure in a timely manner. (See section 5 of the Policy for roles and responsibilities of EnergyCo staff in relation to managing complaints.)

4.1 Receive

We can receive a complaint through various methods, including email, online complaint form, in person, in writing, by phone, through a staff member, NSW Ombudsman or EWON.

Regardless of how a complaint is received, it will be managed in accordance with the Policy, this procedure and other associated procedures.

We will accept anonymous complaints if we are able to contact the complainant and there is enough information provided to carry out an investigation of the issues raised.

4.2 Assess

Consider if the communication received is an “external complaint” (see section 2) and assess the level of the complaint. If it is not an “external complaint” then advise the complainant:

- Of our role
- The reasons why we are unable to deal with the enquiry/complaint
- If known, the contact details for any other person or organisation that may be able to assist, and

- That a record will be made in the case management database for reporting purposes but that, as the matter has been referred to another body, no further action will be taken.

External Complaints may be handled at one (or more) of three different levels, depending on the nature (seriousness) of the complaint, the preference the complainant may express, and the ability of the relevant business area to handle the complaint.

Level 1 is our preferred level for complaint resolution - frontline complaint handling with an early resolution, ideally at first contact (between EnergyCo and the complainant).

Most complaints will initially present as Level 1 complaints, where the complainant expresses their dissatisfaction directly to EnergyCo.

The following will be considered when assessing the level of a complaint:

- How serious, complicated or urgent the complaint is
- Whether the complaint raises concerns about people's health and safety
- How the person making the complaint is being affected
- The risks involved if resolution of the complaint is delayed
- Whether the involvement of other agencies is required for a resolution.

Table 1: Assessing the level of a complaint

Level	Assessment	Next steps
Level 0	Not an "external complaint" (see section 2.2 above).	Refer the matter to an appropriate process and inform the complainant accordingly. See 4.2 above.
Level 1	Complaint can be resolved quickly (e.g. immediately or within 3 working days).	See 4.3 below.
Level 2	Complaint requires review or investigation by the relevant business area and will take longer than 3 working days to resolve.	See 4.3 below.
Level 3	Complaint is serious or complex, and requires formal review, investigation, mediation or other process to resolve.	See 4.3 below.
Other	Complaint primarily relates to functions of or actions by an external party (e.g. a developer, a network operator, an	Refer the complaint to the external party by asking the complainant to initiate the contact directly. EnergyCo can provide the complainant

Level	Assessment	Next steps
	access right holder, a local council or another party unrelated to EnergyCo).	<p>with contact details of the external party if known and have permission to do so.</p> <p>Case closed.</p> <p>(For privacy and confidentiality reasons, EnergyCo would not transfer a complaint to an external party unless that party is another NSW public sector agency or EWON. See section 4.7 for more information.)</p>

4.3 Record and refer

Staff handling complaints-related records, both paper and electronic copies, must ensure their physical security and confidentiality are always safeguarded.

This includes keeping and maintaining such records in the following way:

- All complaints documentation (complaint forms, emails, letters, supporting information, file notes) to be scanned if needed and saved electronically, as well as complaint details noted on the Complaints Register.
- All files to be clearly and consistently labelled by a complaint number.
- At no time is the identity of the complainant, subject member/s or any other person associated with the complaint to be included in any document title or records management system.
- Meetings where complaints are discussed to be held in locations where conversations cannot be overheard.

Record all complaints in the Complaints Register within 1 business day, to enable tracking and reporting.

Refer level 1 complaints to the relevant business area for advice if needed and resolve at the initial point of contact or directly by the relevant business area.

Refer level 2 complaints to a manager or senior executive in the relevant business area, as the complaint manager, for review and action.

Assign level 3 complaints to a complaint manager within the complaint management team or an external investigator (or mediator) outside of EnergyCo for review and action. This person¹ is to engage with the relevant staff, managers and/or senior executives.

4.3.1 External investigator or mediator

A level 3 complaint may be referred to an independent investigator or mediator outside of EnergyCo. Such a decision is to be made by the Director, Governance, Risk and Compliance, or a more senior officer if there is a conflict of interest involving the director.

Circumstances in which it may be appropriate to refer a complaint to an external independent investigator or mediator include, for example:

- **Conflict of interest** – where there is an actual, potential or perceived conflict of interest for staff within the complaint management team to manage the complaint
- **Allegations against senior management** – where the complaint directly involves senior leadership team members or members of the board or committees
- **Complexity or specialisation** – where the complaint is too complex or involves technical or industry-specific information that requires expertise beyond internal resources
- **Public profile or impact** – where the complaint attracts significant public scrutiny or media attention, or involves wide impact on communities and social licence, an external reviewer can enhance credibility and public trust
- **Legal implications** – where the General Counsel of EnergyCo recommends an external, independent process.

If a complaint is referred to an external independent investigator or mediator, the Director, Governance, Risk and Compliance should consider the circumstances of the matter and nominate an appropriate decision maker if it is not suitable for the director to perform this role².

4.4 Acknowledge

For all complaints, send acknowledgement to the complainant within 3 working days of receiving their correspondence. The acknowledgement should include:

- Our receipt of their complaint
- Our intention to respond to their complaint

¹ The 'complaint manager' or external investigator (or mediator) under section 4 is the original complaint handler of a level 3 complaint. This role is not to be confused with the 'internal reviewer' appointed under section 6, who would undertake a review of the original complaint handling process.

² In accordance with the Policy, the Director, Governance, Risk and Compliance is the default decision maker of level 3 complaints.

- Our complaints handling process
- Expected timeframes for our actions, including any expected delay
- (If known) the contact details of the person responsible for reviewing and resolving the complaint.

The acknowledgement should also provide EWON's contact details while informing the complainant about their right to contact EWON at any time for independent advice and information, as well as to go to EWON if they are dissatisfied with our handling of their complaint or dispute.

4.4.1 General Support

All complainants should be offered support and any practical assistance to make their complaints. Consideration should be given to the additional needs of children and young people, the elderly, people with a disability, people of diverse cultural and linguistic background/s and people with literacy difficulties. For Aboriginal and Torres Strait Islander people, consideration should be given to providing a designated outreach officer to assist.

For example, referral to and working with an interpreter service or a personal interview where details of a complaint can be written down on the complainant's behalf by a staff member.

4.5 Review, investigate and address

We recognise that complaints are more efficiently and effectively resolved when an informal and non-adversarial approach is taken. We do this by:

- Ensuring our processes are simple and easy to understand
- Using plain English in the information we provide
- Discouraging complainants from taking a legalistic or adversarial approach
- Focusing on resolving complaints using investigation, negotiation and conciliation.

For all level 2 and level 3 complaints, assign the complaint to an appropriate complaint manager, who will undertake the following actions:

- Review allegations, identify the key issues of the complaint and any specific actions requested. This includes reviewing information provided by the complainant and any previous files.
- Seek to understand the root cause of the complaint and address it if it is within EnergyCo's control.
- If appropriate, investigate details of the complaint by undertaking a fact-finding process. A record is to be kept of key interactions actions taken, including all written communications, interviews, facts, findings and recommended actions.

- Update the complainant on the progress of their complaint, including expected timeframes and any delays.

The complaint manager may seek advice from the complaint management team, subject matter experts, relevant senior executives and/or EWON to enable an efficient and effective response to the complaint.

We will investigate complaints in a fair, reasonable, just, informal and expeditious manner, having regard to the law, codes and good industry practice to achieve a fair and reasonable outcome. The primary purpose of our investigation is to:

- Establish, as far as practicable, the factual circumstances of the matter
- Achieve a fair and reasonable resolution of the complaint
- Identify any systemic issues that require procedural or policy change, or regulatory intervention.

Principles of procedural fairness will always be followed. Complainants will be provided with:

- Genuine inquiry into the complaint
- A reasonable opportunity to respond
- Genuine consideration of any submission
- The absence of bias, or the perception of bias
- A hearing appropriate to the circumstances, before a decision is made
- Details of our investigation
- Information and documentation to support any decision.

Complainants, as well as witnesses, interviewed during an investigation or fact-finding process, may nominate a support person to attend meetings. Where appropriate, complainants and witnesses may be offered additional support options such as counselling services.

4.6 Resolve, respond and close

EnergyCo ensures fair and reasonable decision-making in its complaint handling functions. In considering what is fair and reasonable, we look at a range of factors, some of which are outlined below:

- The information obtained during an investigation
- Any applicable laws, regulations or codes, including any judicial precedent
- Any independent advice, technical or legal
- Any special circumstances.

Timeliness is a part of our processes and procedures. We have reasonable time limits set for our processes, mechanisms to ensure compliance with these time limits and the ability to track the progress of complaints.

Timeframes for resolution:

- Level 1 complaints should be resolved by the initial point of contact or the relevant business area within 3 working days.
- Level 2 and level 3 complaints should be resolved efficiently and within 45 calendar days. If we cannot resolve a complaint within 45 days, the complaint manager should provide regular updates to the complainant, including an explanation for the reasons for the delay and an expected timeframe for when the complaint will be finalised.
- In some cases, we may put a matter on hold or determine that there is insufficient information for EnergyCo to make a decision about a complaint or a particular allegation. This may be due to a lack of details, unclear or contradictory information, lack of corroborative materials, pending external sources or outcome of another process, or the complained matter is too old to be effectively investigated.

For level 2 complaints, the complaint manager should record their findings in writing and communicate the outcome to the complainant, including reasons for any decisions made and any remedy or resolution. The complainant may request a summary in writing.

For level 3 complaints, the complaint manager (including external investigator or mediator) should record their findings in writing. If a formal investigation or mediation was conducted, the complaint manager should provide a written report, including findings and recommendations to an appropriate decision maker (or delegate)³ for decision. The complaint manager or the decision maker should notify the complainant in writing of the outcome, including reasons for any decisions made and any remedy or resolution.

Responses should:

- Be clear, concise and avoid industry jargon and judgemental language
- Focus on explaining the reasons for decision
- Outline any relevant policies and procedures, laws or codes and how they are applied in the context of the complaint, and
- Provide suitable options for resolution, such as an apology, improvement, provision of feedback, or providing training to staff.

³ A decision maker or delegate is assigned in accordance with either the Policy (see roles and responsibilities) or a relevant EnergyCo delegation instrument.

In communicating the outcome to the complainant, EnergyCo will inform the complainant of their options for internal review and their right to access EWON for independent advice and assistance. Once a case has been appropriately referred or resolved, the case will be finalised and closed. No further action will be taken in relation to a closed case unless the complainant contacts us again.

4.7 Privacy and confidentiality

Complaints often contain the complainant's personal information. They may also contain the complainant's health and other sensitive information, as well as information (including allegations) about other persons and parties.

We recognise that confidentiality is essential to effective dispute resolution. We treat information we receive when handling complaints as private and confidential.

EnergyCo will only collect, store, use or disclose personal and health information as permitted under the *Privacy and Personal Information Protection Act 1998* (PPIP Act) and the *Health Records and Information Privacy Act 2002* (HRIP Act), and in accordance with the relevant Privacy Management Plan.

Throughout the complaint management process, EnergyCo staff will:

- Consider and act appropriately to protect the privacy of the complainant and any other parties involved
- Not disclose any confidential or sensitive information unless there is an overriding public interest in favour of disclosure and is authorised to do; and
- Seek expert and/or legal advice regarding complex or highly sensitive information or issues.

4.7.1 Referral and disclosure

For these reasons, if a complaint needs to be referred or disclosed to an external party (e.g. a developer, a network operator, an access right holder or a local council, etc), EnergyCo will generally choose not to disclose identifiable information about the matter and instead ask the complainant to contact that party directly.

However, EnergyCo may be requested to provide personal or other sensitive information about a complaint to EWON or disclose such information to a law enforcement agency (e.g. the NSW Police Force) or an investigative agency (e.g. the Independent Commission Against Corruption), as defined under the PPIP Act. EnergyCo may also refer a complaint to the Department of Climate Change, Energy, the Environment and Water (DCCEEW) for the purpose of assessing and managing unreasonable conduct by a complainant (see section 5 below).

When receiving a complaint (e.g. through our feedback and complaint form), EnergyCo will inform the complainant that we may share information with agencies such as DCCEEW and EWON.

If EWON requests information about a complaint from EnergyCo, EnergyCo will follow any established information sharing protocols with EWON. In some cases, EnergyCo may also disclose information by way of informal release under section 8 of the *Government Information (Public Access) Act 2009* (GIPA Act). Where appropriate, EnergyCo may further consult with the complainant or other relevant parties and may impose reasonable conditions prior to releasing information.

People may request access to their personal or health information held by EnergyCo in accordance with the PPIP Act, the HRIP Act or the GIPA Act. This may include information about their complaint, or a complaint made about them.

4.8 Conflict of interest

It is a key requirement of our Code of Ethics and Conduct that staff should avoid placing oneself in conflicting situations, real or perceived, wherever possible. Failing to disclose and manage a conflict appropriately may amount to misconduct or serious wrongdoing.

The complaint management team provides independent oversight of complaint management.

5. Unreasonable conduct by a complainant

We recognise that complaints can improve the way we do business and build stronger relationships with our customers.

At the same time the success of EnergyCo depends on:

- our ability to do our work and perform our functions in effective and efficient ways
- the health, safety, and security of our employees
- our ability to allocate our resources fairly across all the complaints we receive.

When people behave unreasonably in their dealings with us, such conduct can significantly affect the progress and efficiency of our work. As a result, we will take proactive and decisive action to manage any conduct that negatively and unreasonably affects us. We will support our employees to do the same.

Unreasonable conduct by a complainant (UCC) is any behaviour by a current or former complainant which, because of its nature or frequency, raises substantial health, safety, resource or equity issues for our organisation, our staff, other customers, or the complainant themselves.

EnergyCo is committed to providing a workplace free from harassment, foul or abusive language and other forms of unreasonable conduct by complainants.

Steps to limit contact with EnergyCo will only be taken as a last resort and be limited to where a complainant's contact may:

- Compromise EnergyCo's obligations as an employer
- Place unreasonable demand on EnergyCo's resources; or
- Encourage or allow unreasonable behaviours.

For more information on how to identify and manage a UCC, refer to the DCCEEW UCC Procedure⁴.

NSW Ombudsman also provides resources on managing UCC, including this quick guideline: [An introduction to UCC \(PDF\)](#).

6. Internal reviews

This section applies to all eligible "external complaints" received in accordance with this procedure, except where⁵:

- the complainant is subject to a process under the UCC Procedure, or
- the complaint was/is referred to an external independent investigator or mediator (see 4.3.1 above).

6.1 Request for internal review

A complainant may request an internal review, if:

- a) the complainant is not satisfied with the outcome of the complaint management process; or
- b) the complainant believes that the complaint management process was procedurally unfair or otherwise inconsistent with the Policy or this procedure, including where the complaint has taken longer than 45 calendar days to resolve.

An internal review must be formally requested in writing no later than 21 days after the complainant being notified of the original decision.

The complainant must outline the reasons for the request.

6.2 Acknowledge

EnergyCo will acknowledge receiving the internal review request within 3 working days. The acknowledgement should include the contact details of the internal reviewer if known at the time.

⁴ EnergyCo is related to the Department of Climate Change, Energy, the Environment and Water (DCCEEW). The corporate services DCCEEW provides to EnergyCo include specialised advice and management support in relation to unreasonable complainant conduct. As far as practicable, DCCEEW's Unreasonable Complainant Conduct Procedures, including revisions from time to time, are adopted by the EnergyCo External Complaints Policy and directly apply to EnergyCo.

⁵ In such circumstances, the complaint would have been subject to external and independent oversight and an internal review is unlikely to provide a greater level of transparency or independence. The Director, Governance, Risk and Compliance has the discretion to allow an internal review in exceptional cases.

6.3 Internal reviewer

As soon as practicable, the complaint management team will appoint the request for internal review to an internal reviewer who was not involved in the original complaint handling process.

Having regard to the history and nature of the complaint, an appropriate internal reviewer may be:

- Director, Governance, Risk and Compliance,
- A member of the complaint management team,
- A senior executive or manager from the same division or branch but is more senior than the original decision maker,
- A senior executive or manager from a different branch or division and is no less senior than the original decision maker, or
- A suitably qualified reviewer external to EnergyCo and engaged by EnergyCo.

The internal reviewer must declare any conflict of interest.

6.4 Internal review processes and options

The internal reviewer has the discretion to choose the processes and approach of the internal review, consistent with the principles and expectations of the Policy and the delegation and authority the reviewer's position holds.

In doing so, the reviewer may undertake any of the following processes they deem to be appropriate and relevant:

- Review the matter and make a decision afresh,
- Review a specific issue or aspect of the complaint,
- Review the original complaint handling process undertaken for procedural fairness and compliance,
- Seek additional information, including consulting with additional parties or subject matter experts,
- Facilitate a mediation between parties, and/or
- Make recommendations to a more senior decision maker.

In some cases, the internal reviewer may decide not to proceed with an internal review if, for example:

- the complaint is outside the scope of this policy
- the complaint is subject to or better addressed by a different process (e.g. a review by EWON)

- EnergyCo has no power or authority to provide resolution over and above what was decided by the original decision maker
- the alleged events occurred too long ago, or for other reasons, it is not practicable to effectively investigate the matter
- the request for review was not submitted in time
- the request for review lacked specific grounds or the issue raised is trivial; or
- the request for review will be referred to the UCC Procedure.

The internal reviewer will conduct the matter in a timely and efficient manner and will provide complainant with regular updates on progress and any change in process.

6.5 Outcome of internal review

The internal reviewer has the discretion to may make any recommendations or decisions consistent with the Policy and within their delegation or authority.

The complainant will be notified of the internal review decision in writing, which includes:

- A summary of findings from the internal review
- The internal review decision, and
- Reasons for the decision.

7. Report on performance, learn and improve

We record, track and assess our complaint handling performance and provide regular reports that summarise the key performance indicators, such as whether the response to the complaint is overdue, the category of the complaint and the business area responsible.

Complaints are important to help us improve. We welcome feedback from complainants and the public in general. We ask complaint managers and reviewers to identify problems and recommend improvements. Analysing complaint data will also help us identify areas for improvement. Where a systemic issue is identified, it is referred to the relevant senior manager for remedial action. A systemic issue can be broadly described as:

- A policy, practice or process that adversely affects or has the potential to affect several stakeholders and lead to complaints and disputes
- A regulatory issue that may cause confusion, different interpretations, or unforeseen consequences.

Staff are encouraged to provide feedback on all aspects of our complaint management policy, procedures, system and practices.

8. Related documents

Other documents that should be read in conjunction with this procedure are:

- The enabling policy: EnergyCo External Complaints Policy.
- For information on how to identify and manage unreasonable conduct by complainants, refer to the DCCEEW Unreasonable Complainant Conduct Procedure.

Related legislation:

- *Government Information Public Access Act 2009* (NSW)
- *The Privacy and Personal Information Protection Act 1998* (NSW Act)
- *Health Records and Information Privacy Act 2002*
- *Ombudsman Act 1974* (NSW)
- *State Records Act 1998* (NSW)
- *Anti-Discrimination Act 1977* (NSW)

Document metadata

Table 2: Document metadata

Category	Description
Status	Final
Date of approval	February 2025
Approver	Director, Governance, Risk & Compliance
Policy owner	Chief Finance & Operations Officer
Branch	Governance, Risk & Compliance Branch
Document location	EnergyCo Internet and Intranet
Next review date	January 2028
Associated procedure	EnergyCo External Complaints Policy DCCEEW Unreasonable Complainants Conduct Procedure
Superseded document	Complaints Process (Department of Climate Change, Energy, the Environment and Water, 2024)
Further information	grc@energyco.nsw.gov.au
Document Reference	

Version control

Table 3: Version control

Version	Date issued	Change
1	February 2025	New Procedure