



POSITION STATEMENT

Energy and water complaints and goodwill gestures

EWON's role

The Energy & Water Ombudsman NSW (EWON) is the industry-based Ombudsman scheme which provides all NSW energy and some water customers with independent, free, informal dispute resolution services.

We work towards achieving fair and reasonable complaint outcomes for all parties, provide leading customer service and influence energy and water public policy. We are not a consumer advocate, nor do we represent industry.

We achieve fair and reasonable outcomes for complaints based on laws, codes and regulations, good industry practice and by considering the individual circumstances of each complaint and parties to the complaint. This may include consideration of prior complaint outcomes, independent legal, technical or regulatory advice, and where they exist, special customer circumstances.

Goodwill gestures

A goodwill gesture recognises the occurrence of poor customer service or significant inconvenience experienced by a customer. Most often, it is provided as credit to a customer's account; a one-off payment or may represent partial or full payment of a cost experienced by a customer. Where a goodwill payment is appropriate, the amount agreed will depend on the severity of an error, the extent to which a customer was inconvenienced, and/or the time taken to fix a problem.

A goodwill gesture can be made in response to a customer request or initiated by a provider wanting to acknowledge a customer's experience. EWON manages the expectations of both customers and members from a fair and reasonable perspective in relation to goodwill gestures, including seeking substantiation from a customer if needed, for example details of an unreasonable delay and its impact. Requests for payments relating to time spent, loss of wages, or business losses related to making a complaint are not covered by goodwill gestures.

EWON's position

Circumstances where a member should consider providing a goodwill gesture in response to a customer request, or by its own initiative include:

- > unreasonable delays
- > provision of inadequate advice, explanation or reasons
- > legal, factual, or human error
- > process or procedures which are deficient or flawed
- > unreasonable, harsh, or discriminatory action
- > unprofessional behaviour, misconduct, or a breach of duty by a provider staff member.

There is no regulatory requirement for a provider to make a goodwill gesture. However, where a provider has not considered a customer's request, or self-initiated a goodwill gesture, EWON will ask a provider to consider providing a goodwill gesture in recognition of any of the above circumstances or when otherwise appropriate to resolve a complaint. EWON's consideration will be based on its fair and reasonable assessment, of the impact and the customer's individual circumstances.

Explanatory information about circumstances which warrant a goodwill gesture

Unreasonable delays	Decision making or action taken have taken too long causing ongoing impacts to the consumer.
Provision of inadequate advice, explanation or reasons	The advice, explanation, or reasons given are not easily understood (such as industry jargon), incomplete, not aligned with the events underpinning the complaint, do not take into account the customer's circumstances (for example vulnerability factors present).
Legal, factual or human error	Errors arising from lack of application or incorrect application of relevant laws, codes and regulations; errors about facts relevant to the complaint during the investigation that impact its outcome; and/or avoidable errors or mistakes that disadvantage or inconvenience the customer.
Process or procedures which are deficient or flawed	Process or procedural flaws that result in disadvantage or inconvenience to a customer.
Unreasonable/harsh/discriminatory action	Placing expectations on a customer that puts the customer in a position where they are disadvantaged or inconvenienced, especially where vulnerability factors are evident.
Unprofessional behaviour, misconduct, or a breach of duty by a provider staff member	Any behaviour towards a customer that would be considered a breach of a standard code of conduct.