

Procedures for  
Investigation and Review of  
Complaints

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Information  
Document

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## **1. INTRODUCTION**

The Regulated Industries Commission (RIC) is the economic regulator for the Water, Wastewater and Electricity sectors in Trinidad and Tobago, and was established under the Regulated Industries Commission Act, No. 26 of 1998 (Chapter 54:73). As part of its overall mandate, the RIC is required to protect consumers from the abuse of monopoly power. It is generally accepted that one of the most successful ways to accomplish this is through the establishment of an efficient and effective medium for customers to voice their dissatisfaction with the quality of services provided by Service Providers and obtain redress for their complaints. Under Section 6 (1) (l) the Act, the RIC has a specific obligation to investigate complaints by consumers of their failure to obtain redress from service providers in respect of rates, billings and unsatisfactory service and facilitate relief where necessary. Further, Section 67 (2) authorises the RIC to prescribe the procedures for the conduct of investigations and review of complaints. See appendix for all relevant sections of the RIC Act.

In June 2004, the RIC published an Information document entitled “*Customer Complaint Process*.” That document was used to inform all stakeholders of the scope and nature of the procedures implemented by the RIC, as well as the standard of performance that can be expected of the RIC regarding its complaints handling process.

The RIC has recognised that sufficient time has elapsed to warrant another review and revision of its procedures and practices for investigating and review of complaints to ensure that it remains fit for purpose. This document where appropriate, has been informed by the RIC’s practical experience as well as the policies and procedures utilised by other regulators.

### **1.1 Purpose of the Document**

The purpose of this document is to set out the RIC’s revised process and procedures for addressing complaints made against the Service Providers under its purview. It outlines the actions the RIC will take in dealing with complaints and in so doing provide the level of transparency necessary in this regard.

### **1.2 Structure of the Document**

The document comprises of eight (8) Sections.

### **1.4 Review Cycle**

It is the intention of the RIC to periodically review its *Procedures for Investigation and Review of Complaints* every 5 years.

## 1.5 Definitions

The inclusion of definitions is a new feature of this document, which aims to provide greater clarity on the meaning of specific terms used in the document that the RIC currently utilize.

*Complaint* - means an expression of dissatisfaction made to the service provider, related to its services, or the service provider's complaints-handling process itself, where a response or resolution is explicitly or implicitly expected.

*Customer* - means a person or entity to whom electricity, water and wastewater services are sold for the purpose of consumption. For the avoidance of doubt, it is the person who has entered into contract with the service provider.

*Consumer* - means a person who consumes utility services.

*Complainant* - means a person or entity making a complaint against a service provider.

*Investigation* - a systemic and thorough attempt to learn the pertinent fact about the complaint, particularly where it is complex or where there are gaps in the information provided.

*Rate* - means every rate, charge, rental or other compensation or payment whatsoever for services.

*Relief* – means the assistance given to a complainant seeking a remedy to the complaint where the complainant is unsure of the type or exact relief they are entitled to receive and permits the RIC to direct one to the Service Provider.

*Redress* - receiving satisfaction for the complaint made.

*Resolution* – an outcome based on impartiality and fairness.

*Review*- a formal assessment of the information available with the intention of arriving at an impartial and fair opinion.

*Service Provider* - means any entity listed in the First Schedule of the RIC Act or any entity which provides a service listed in the Second Schedule of the RIC Act;

*Service* - means any service incidental to the provision of service specified in the Second Schedule and also includes the service specified in the Second Schedule of the RIC Act. This includes the supplying or furnishing of any commodity derived directly from the activities in which a service provider is engaged or licensed to carry out or deemed to be licensed to provide.

## **2. FRAMEWORK FOR INVESTIGATING AND REVIEWING COMPLAINTS**

### **2.1 Power to Establish the Procedures for Complaints and Review**

The RIC is obligated under Section 67(2)(b) of the RIC Act, to establish the procedures for the investigation and review of complaints.

### **2.2 Aim of the Complaints Process**

The role of the RIC is to provide an avenue whereby consumers of Water, Wastewater and Electricity services can file a complaint about their failure to obtain redress from service providers in respect of rates, billings and unsatisfactory service and facilitate relief where necessary. In this regard, the RIC will:

- provide a process which is simple to understand and easy to access;
- be fair, objective, and transparent in its decision making on all matters before it;
- obtain full disclosure from the service providers whether or not they are culpable;
- provide updates to the complainant on the progress of the complaint;
- as far as reasonably practicable, facilitate relief promptly;
- provide the rationale for its decision;
- meet internal performance standards;
- inform the complainant of the escalation process if he/she is dissatisfied with the decision; and
- develop appropriate regulatory policies and instruments, where necessary, to address any systemic problems observed within the regulated sectors.

### **2.3 Department with Responsibility for Complaints and Review**

The Customer Services Department staffed by the Customer Services Manager and the Customer Service Officers are responsible for handling and investigating complaints filed against the Service Providers and facilitating relief where necessary.

### **2.4 Who can make a Complaint with the RIC**

Consumers of Water, Wastewater and Electricity services are first required to refer their complaint to the Service Provider so that the Service Provider would have the opportunity to resolve the issue. However, if the complainant is of the view that the Service Provider's initial response was unsatisfactory, the complainant must be made aware of the Service Provider's escalation process which gives a customer the right to raise the complaint up to a higher level within the service provider's management structure. If at the end of the

Service provider's complaint process the complainant has failed to receive redress, the complainant may file a complaint with the RIC regarding the particular issue. This may include for example, where the complainant has not received a response within the timeframe established in the Quality of Service Standards or the Service Provider's Guidelines or the complainant is dissatisfied with the outcome. The complainant should make notes of who they have spoken or written to and keep copies of any documents relevant to the complaint for reference.

## **2.5 Record keeping**

The RIC has in place a computerized system to record, track and manage complaints received. In this regard, the RIC will maintain an accurate record of each complaint received, which would include the following:

- the complainant's contact information;
- the details of the complaint;
- all correspondence in relation to the complaint;
- all materials and information received from the Service Provider and complainant in relation to the complaint;
- action taken to deal with the complaint; and
- the outcome of the complaint.

In keeping with our practice, the RIC will retain all documentation for a period of five (5) years after the date on which the final response is sent to the complainant.

The RIC will continue to utilize its computerized system to track and manage complaints received and to periodically analyse the complaints received in order to identify any recurring or systemic problems and potential risks. This will provide empirical evidence to support appropriate regulatory measures to mitigate these issues.

## **2.6 Confidentiality**

All information will be held in confidence and will only be disclosed consistent with the provisions contained in Section 62 of the RIC Act. Any release of information by the RIC to a third party will only be granted by presentation of a written consent of the complainant or by Order of the Court.

### 3. RIC'S REVISED COMPLAINT INVESTIGATION AND REVIEW PROCEDURES

The RIC is empowered by its Act to investigate complaints by consumers, of their failure to obtain redress from Service Providers in respect of rates, billings and unsatisfactory service and facilitate relief where necessary. It is also empowered to review such complaints or any other matter related to its powers, duties or functions under its Act and where it thinks fit, consult with the parties concerned.

The RIC has reviewed its processes to ensure that it is positioned to fulfil its mandate *for Investigation and Review of Complaints* as imposed by the RIC Act. In this regard, most of the procedures established in 2004 have been retained, however, they have been revised to reflect current practices and to ensure that they remain fit for purpose. Some new initiatives have also been included in Sections 3.4., 3.6 and 6 below.

#### 3.1 Options for Accessing the Complaints Process

As far as practicable, the RIC will continue to make available all methods by which consumers of regulated services can lodge a complaint. In this regard, the RIC has retained the traditional methods and included the use of social media and will soon introduce live chat as these represents an increasingly popular medium for engagement. However, social media and live chat have certain current limitations and may be more appropriate for inquiries, initial contact and information sharing. The process for submission of complaints will be simple, clear and concise. Proper lines of communication will be clearly established, which would include the following:

- **Telephone/Fax** – The RIC's Customer Service Officers can be contacted via its Toll-free line **800-4RIC (4742)** during business hours, Monday to Friday from 8.00am to 4.00pm. Our after-hours telephone answering service will record calls when the office is closed. A customer can leave his/her name, address and telephone number and one of the Customer Service Officers will return the call by the next business day. Consumers can also Fax their complaint at **624-2027**.
- **Visit to the RIC's Office** - It is advisable that a consumer call our toll free number first to make an appointment to visit the RIC office at the address given below. This will minimize undue delay, and ensure that a Customer Service Officer clarifies the documentation which may be necessary, prior to the visit. The address to RIC's office is:

1<sup>st</sup> Floor, Furness Building,  
Corner Wrightson Road and Independence Square,  
**PORT OF SPAIN**

- **Letters** – Complaints may be put in writing and mailed to:

Customer Service Manager  
Regulated Industries Commission  
Furness House – 3<sup>rd</sup> Floor  
Cor. Wrightson Road and Independence Square  
P.O. Box 1001  
**PORT OF SPAIN**

As far as possible, all written complaints should provide sufficient details of the complaint and have attached copies of any relevant information, which would assist RIC staff in understanding the complaint. This may include letters written to and from the Service Provider about the complaint; and a statement from the complainant indicating why they are dissatisfied with the Service Provider's response.

- **Email** – Consumers can e-mail their complaint to the RIC via: [ricoffice@ric.org.tt](mailto:ricoffice@ric.org.tt) or [complaints@ric.org.tt](mailto:complaints@ric.org.tt)
- **Online** – Consumers can visit the RIC's website and submit a complaint via our Online Complaint form - <http://www.ric.org.tt/consumer-affairs/complaint-forms/> Live Chat forum on RIC's website <http://www.ric.org.tt>
- **Social Media Page** - Consumers can visit our Social/Media pages and submit initial contact information and brief information about their complaint .  
Facebook - [www.facebook.com/RegulatedIndustriesCommission](http://www.facebook.com/RegulatedIndustriesCommission)  
Twitter - [www.twitter.com/RIC\\_TT](http://www.twitter.com/RIC_TT)

### 3.2 Preliminary Assessment of the Complaint

Upon receiving a complaint the RIC's Customer Service Officer will determine:

- Whether the complaint was not reported to the service provider or the service provider's complaint process has not been followed to resolve the complaint. In those instances, the Customer Service Officer would advise the customer to file the complaint or revisit the service provider.
- Whether the RIC has the power to deal with the complaint, in the event that the matter is outside of the RIC's purview, the Customer Service Officer will explain why and refer the complainant to the competent authority where possible.
- Whether there is sufficient information in order to process the complaint. If the complainant has not submitted the necessary details/documents to either review or investigate the complaint, the Customer Service Officer would request the necessary additional information from the complainant and explain why the information is needed.



All information will be entered on the RIC's Complaints Management Database by the Customer Service Officer who received the complaint. In the case of written complaints, including those sent by e-mails, the complainant would receive an acknowledgement confirming that the complaint/correspondence has been received and receiving the necessary attention.

### **3.3 Investigation and Review**

The Customer Service Officer will conduct a thorough review of the information presented by the complainant to identify any regulatory issues or the particular concerns of the complaint. In carrying out the review, the Customer Service Officer may request further information from the complainant or Service Provider, in order to clarify pertinent issues. However, there may be instances where no investigation is necessary because the complaint may be a relatively clear and simple matter, particularly if it relates to a contravention in existing legislation, or approved policy or procedure of either the service provider or that of the RIC.

In some instances the matter may require additional time to conduct an onsite investigation (to the complaint location) or visit to the Service Provider's office to interview officials or review records as necessary. If the complaint is complex and or technical in nature, the Customer Service Officers will seek the assistance of other departments within the RIC to obtain the necessary technical advice or opinion for consideration.

Based on the information collected from the investigation and or the review, the Customer Service Officer will prepare an appropriate letter to the Service Provider. The RIC's letter will be forwarded to the Service Provider for action and feedback. The Customer Service Officer will keep the complainant informed of all steps taken by the RIC in facilitating redress.

### **3.4 Resolution of the complaint**

Upon receiving the Service Provider's response/feedback the Customer Service Officer will objectively assess each response on its own merit.

If the Service Provider's response/feedback is a complex one that requires technical advice or opinion, that response will be forwarded to the appropriate department within the RIC for consideration. This may require additional time in order to have the complaint resolved. The complainant will be informed of this action where necessary and an anticipated time frame for RIC's position.

The RIC may accept the decision taken by the service provider to resolve the complaint and a response will be forwarded to the complainant indicating the reason(s) for the position taken. Where the RIC is of the view the Service Provider's decision is unjustified, the RIC would provide cogent arguments to substantiate its position and request that the Service Provider take appropriate action to resolve the complaint.

In some instances depending on the nature of the complaint, the RIC may facilitate mediation as an option to achieve an amicable resolution between both parties. However, mediation would only be facilitated by the RIC upon mutual agreement of both the complainant and Service provider and in keeping with the Mediation Act.

### **3.5 Timeframe for Feedback by the Service Providers**

Due to the variability in the time taken by the service provider to either provide timely feedback or resolve the complaint, the RIC intends to introduce appropriate regulatory measures it deems fit, to establish appropriate timeframes and guidelines for the Service Providers to provide timely feedback, with respect to those complaints reported by the RIC. The RIC expects that fixed timeframes, would results in achieving greater levels of efficiency in facilitating relief.

### **3.6 Escalation of complaint within the RIC**

An escalation procedure is typical for any progressive complaints process. If a complainant is dissatisfied with the outcome or quality of service obtained from the Customer Services Department (CSD), he/she is entitled to have the matter escalated to RIC's Executive Director for resolution of the complaint. This request must be made in writing within five (5) working-days of receiving the decision of the CSD. If a complainant is dissatisfied with the outcome obtained from the Executive Director, he/she is entitled to have the matter escalated to the RIC's Board of Commissioners for resolution of the complaint. The Board of Commissioners is the final authority within the RIC responsible for complaint investigation and review disputes.

### **3.7 Matter the RIC is unable to resolve**

The RIC will do all that is necessary and within its power to facilitate relief to all consumers regarding their failure to receive redress from the Service Providers for matters within our remit and for which there is sufficient information to take action. However, in the event that the RIC is unable to resolve the complaint, the RIC will in those circumstances, advise the complainant of his/her right to refer the complaint to any other competent body such as the Courts.

#### 4. SERVICE LEVEL AGREEMENTS

The service level agreements below defines our commitment to provide the level of service RIC's customers' can expect and the RIC will evaluate its performance against those standards.

Service Areas	Performance Measure
Response to Written Complaints	The RIC will forward its letter of acknowledgement to the complainant within five 5 working days and its response letter to the Service provider within ten (10) working days of receipt of the complaint.
Telephone and E-mail Complaints	The RIC will forward its letter to the Service provider within ten (10) working days of receipt of the complaint
Responding to Overnight Messaging Service Contact Information	CSOs will reply to the message within one (1) working day of receipt the message
Keeping Appointments	CSOs will see complainant within ten (10) minutes of the time of the appointment

#### 5. MONITORING THE INVESTIGATION AND REVIEW PROCEDURES

Continuous monitoring is an essential component to ensure that the procedures remains robust and delivers the results expected. To this end, the RIC may:

- publish details of its performance in relation to the number of complaints resolved and compliance with the SLAs' in the newspaper and website quarterly, and also in its annual report;
- conduct a random customer survey to obtain critical feedback that would be useful to inform the process; and
- conduct independent customer satisfaction survey to assess its performance in relation to the quality of complaints process and outcomes.

## **6. ENSURING COMPLIANCE WITH INVESTIGATION AND REVIEW PROCEDURES**

It is important to have structures that would enable objective and systemic assessment of level of compliance with respect to the processes and procedures outlined above. In this regard, the RIC may appoint either an independent auditor or an internal committee to determine the level of compliance with any/all aspect of the investigation and review procedures.

## **7. ACCESS TO INFORMATION**

The RIC will ensure that information on its *Procedures for Investigation and Review of Complaints* is available to and easily accessible by the public at its place of business and on its website.

## **APPENDIX OF RELEVANT LEGISLATION**

The relevant Sections of the RIC Act which were taken into consideration in the framing the procedures relating to complaints and review are:

### ***Section 6 (1)***

*The Commission may have and exercise such functions, powers and duties as are imposed on it by" this Act and in particular-*

*(1) investigate complaints by consumers, of their failure to obtain redress from service providers in respect of rates, billings and unsatisfactory service and facilitate relief where necessary.*

### ***Section 6 (3) (1)***

*In the performance of its functions, the Commission shall have regard to the public interest and in particular-*

- (a) to maximum efficiency in the use and allocation of resources to ensure as far as is reasonably practicable, that services are reliable and provided at the lowest possible cost;*
- (b) to equal access by consumers to service;*
- (c) to fair treatment of consumers and of service providers similarly placed;*
- (d) in respect of consumers similarly placed, to non- discrimination in relation to access, pricing and quality service;*
- (e) current national environmental policy.*

### ***Section 53***

- (1) Subject to this section, the Commission may on its own motion or in consequence of a complaint made by any person in respect of-*
  - (a) the rate charged for a service;*
  - (b) a disputed billing for a service; and*
  - (c) the standard or conditions of supply of a service, review such complaint or any other matter related to its powers, duties or functions under this Act and where it thinks fit, consult with the parties concerned.*
- (2) Every complaint shall be in writing and may be made by the complainant in person or by his counsel or by any person authorized by him in writing in that behalf.*
- (3) A complaint to the Commission against the rate referred in subsection (1)(a) shall be on the ground that the rate is contrary to law or the provisions of a licence.*
- (4) A complaint against the standard or conditions of supply of a service shall be entertained by the Commission only where the complainant satisfies the Commission that he has failed to obtain reasonable redress from the service provider.*

#### **Section 54**

*Nothing in Part V or in this Part shall be construed as precluding the Commission from dealing at the same time with an application for a review referred to in section 49 and a related complaint made under section 53(l).*

#### **Section 55**

*It is a condition of every licence that a licensee shall not discontinue service to a consumer where, in respect of the service provided to the consumer, a complaint made under section 53 remains unresolved.*

#### **Section 58**

*It is a condition of every licence that-*

- (a) a service provider shall allow a Commissioner or any officer or other person authorized by the Commission to inspect the accounts, books, papers, records and documents of the service provider at any reasonable time;*
- (b) any authorized representative of the Commission shall, upon presentation of his official identification, be allowed entry into the premises of a service provider for any of the purposes of this Act.*

#### **Section 59**

*It is a condition of every licence that-*

- (a) any return of information required to be furnished to the Commission;*
- (b) any answer to any question submitted by the Commission; and*
- (c) any information required by the Commission which is in the possession or control of a service provider, shall be prepared and furnished to the Commission within the time and in the manner and form and with such particulars and certification as are required by this Act.*

#### **Section 61**

*Subject to section 55, a service provider shall, before discontinuing service to a consumer, give to the consumer notice in writing of its intention to discontinue the service stating the reason for the proposed discontinuance and the date when the discontinuance is to be effected except that the service provider shall not effect discontinuance before thirty calendar days from the date of the notice have elapsed.*

**Section 62**

*The Commission and every person concerned with the administration of this Act shall regard as secret and confidential, all documents, information or matters disclosed in the administration of this Act except that disclosures-*

- (a) made by the Commission or any other person in a review under Part VI of this Act;*
- (b) which the Commission considers necessary in the discharge of its functions, shall not be deemed inconsistent with any duty imposed under this section”.*

**Section 67 (2) (b)**

*The Commission may, after consultation with the relevant service providers and with the approval of the Minister, make Regulations for the purpose of carrying this Act into effect and in particular may make Regulations-*

- (b) for prescribing the procedure for the conduct of reviews under Parts V and VI of this Act”.*