

Vodafone Investigation Report

Findings

The ACMA finds that Vodafone Hutchison Australia Pty Limited (ACN 096 304 620) (**Vodafone**) contravened paragraph 7(1)(a) of the *Telecommunications (Consumer Complaints Handling) Industry Standard 2018* (the **Complaints Standard**) on 3 August 2018 by failing to establish a complaints handling process that included the minimum requirements for consumer complaints handling.

The ACMA also finds that Vodafone contravened subsection 128(1) of the *Telecommunications Act 1997* (the **Act**) by failing to comply with an industry standard determined under subsection 125AA(1) of the Act on 3 August 2018.

Background

In a letter dated 7 September 2018 the ACMA advised Vodafone Hutchison Australia Pty Limited that it was investigating Vodafone's compliance with sections 8, 9 and 10 of the Complaints Standard (the **minimum requirements for consumer complaints handling**).

That same letter advised:

- that ACMA staff had assessed the complaints handling process that was available on Vodafone's website on 3 August 2018 (the **CHP**); and
- the ACMA's preliminary findings in relation to Vodafone's compliance with the minimum requirements for consumer complaints handling.

Vodafone provided submissions on 26 September 2018 in response to those preliminary views of ACMA staff (**response**).

Vodafone did not dispute the preliminary findings in its response but did provide an updated CHP.

Reasons

The table below sets out the ACMA's final findings and the reasons for those findings. In making its final findings, the ACMA has considered the CHP and the response. The updated CHP provided on 26 September 2018 is not the subject of the ACMA's final findings.

Compliance with the minimum requirements for consumer complaints handling

Provision	Requirement	ACMA finding and reasons
7(1)(a)	A carriage service provider, that offers to supply telecommunications products to consumers under a consumer contract must establish a complaints handling process that includes the minimum requirements for consumer complaints handling.	Vodafone has contravened paragraph 7(1)(a) by failing to include the minimum requirements for consumer complaints handling in the CHP as set out below.
8(1)	A complaints handling process must:	
8(1)(b)	be made available to the public on the carriage service provider's website in a concise form that sets out the minimum requirements for complaints handling referred to in	The CHP did not refer to all of the matters set out in paragraphs (d) to (m) and section 9 and 10, namely: <ul style="list-style-type: none">- paragraph 8(1)(f);- paragraph 8(1)(k);

	paragraphs (d) to (m), and sections 9 and 10;	<ul style="list-style-type: none"> - paragraph 8(1)(m); - section 9; - paragraph 10(b); - paragraph 10(d); - paragraph 10(f); and - paragraph 10(g). <p>Therefore, the ACMA finds that Vodafone did not include the minimum requirement in paragraph 8(1)(b) of the Complaints Standard in the CHP on 3 August 2018.</p>
8(1)(f)	state that consumers have a right to make a complaint;	<p>The CHP did not state that consumers have a right to make a complaint.</p> <p>Therefore, the ACMA finds that Vodafone did not include the minimum requirement in paragraph 8(1)(f) of the Complaints Standard in the CHP.</p>
8(1)(k) 8(1)(k)(i) 8(1)(k)(ii)	<p>require members of its personnel to:</p> <p>clarify with a consumer if they wish to make a complaint where the consumer has made contact and expressed dissatisfaction through one of the channels referred to in paragraph (h) or paragraph (i), and the member of the personnel is uncertain if the consumer wishes to make a complaint; and</p> <p>provide consumers with help to formulate, make and progress a complaint, and set out steps to assist members of its personnel to help consumers with special needs or disabilities, and consumers from non-English backgrounds or those suffering financial hardship;</p>	<p>The CHP did not include any information requiring personnel to clarify with a consumer whether they wish to make a complaint.</p> <p>The CHP stated that for those persons with accessibility needs, "[Vodafone] can give you additional support during this process". However, the CHP did not otherwise include any information requiring personnel to provide consumers with help to formulate, make or progress a complaint.</p> <p>Therefore, the ACMA finds that Vodafone did not include the minimum requirements in paragraph 8(1)(k) of the Complaints Standard in the CHP.</p>
8(1)(m)	set out in sequence each potential step in the process for managing a complaint that was unable to be resolved on first contact, including the following steps:	<p>The CHP reviewed by the ACMA did not set out in sequence the potential step in the process for managing a complaint unable to be resolved on first contact as required under:</p> <ul style="list-style-type: none"> - subparagraph 8(1)(m)(iv); and - subparagraph 8(1)(m)(v)

		as described below.
8(1)(m)(iv)	investigation of a complaint;	<p>The CHP did not include information about the investigation of a complaint that cannot be resolved on first contact.</p> <p>Therefore, the ACMA finds that Vodafone did not include minimum requirement in subparagraph 8(1)(m)(iv) of the Complaints Standard in the CHP.</p>
8(1)(m)(v)	response to a complaint and proposed resolution;	<p>The CHP did not include information about the response and proposed resolution to a complaint that cannot be resolved on first contact.</p> <p>Therefore, the ACMA finds that Vodafone did not include the minimum requirement in subparagraph 8(1)(m)(v) of the Complaints Standard in the CHP.</p>
9	A complaints handling process must identify the relevant time periods associated with each step in the process, including the response times for managing a complaint set out in sections 12, 13, 14, 15, 16 and 17.	<ul style="list-style-type: none"> - The CHP stated that customers could make a complaint by telephone, online form, mail, fax or in store. However, the CHP did not provide timeframes for when complaints would be acknowledged, depending on which of these communication methods a consumer uses to make a complaint (section 12). - The CHP did not provide the timeframe by which a proposed resolution that is agreed to be the consumer will be implemented, unless an exception under paragraph 13(j) applies (section 13). - The CHP did not provide timeframes where there is any delay in the resolution of complaints (section 14). - The CHP did not provide timeframes for advising a consumer about prioritisation, escalation and external dispute resolution processes (section 15). - The CHP did not provide information regarding the timeframe for advising a consumer in cases where Vodafone has made a decision not to deal further with a complaint because it can do nothing more to assist the consumer, or that it regards the consumer's behaviour as frivolous or vexatious (section 16). - The CHP did not provide timeframes for attempting to contact a consumer when the CSP has been unable to contact

		<p>consumer to discuss the complaint or advise them of the proposed resolution (section 17).</p> <p>Therefore, the ACMA finds that Vodafone did not include the minimum requirement in section 9 of the Complaints Standard in the CHP.</p>
10	A complaints handling process must:	
10(b)	include an internal process for escalating a consumer's complaint, which is clear, accessible and transparent for consumers;	<p>The CHP stated Vodafone would offer to escalate a consumer's complaint if it cannot be resolved immediately but gave no further information about what the escalation process entails.</p> <p>Therefore, the ACMA finds that Vodafone did not include the minimum requirement in paragraph 10(b) of the Complaints Standard in the CHP.</p>
10(d)	set out a description of how escalated complaints will be managed;	<p>The CHP did not set out the steps for managing an escalated complaint.</p> <p>Therefore, the ACMA finds that Vodafone did not include the minimum requirement in paragraph 10(d) of the Complaints Standard in the CHP.</p>
10(f)	provide that a consumer's telecommunications service cannot be cancelled for the sole reason that the consumer was unable to resolve the complaint directly with the carriage service provider and pursued options for external dispute resolution; and	<p>The CHP did not state that a consumer's telecommunications service cannot be cancelled because a consumer was unable to resolve the complaint and pursued external dispute resolution.</p> <p>Therefore, the ACMA finds that Vodafone did not include the minimum requirement in paragraph 10(f) of the Complaints Standard in the CHP.</p>
10(g)	include a process for classifying complaints into different categories, which clearly describes each category of complaint.	<p>The CHP did not include a process for classifying complaints into different categories.</p> <p>Therefore, the ACMA finds that Vodafone did not include the minimum requirement in paragraph 10(g) of the Complaints Standard in the CHP.</p>

Compliance with subsection 128(1) of the Act

Provision	Requirement	ACMA finding and reasons
Subsection 128(1)	if an industry standard applies to participants in a particular section of the telecommunications industry and is registered under Part 6 of the Act, each participant in that section of the industry must comply with the standard.	<p>The Complaints Standard:</p> <ul style="list-style-type: none">- is an industry standard determined under subsection 125AA(1) of the Act and registered under Part 6 of the Act.- applies to participants in the telecommunications industry including carriage service providers. <p>Vodafone is a CSP that supplies internet, and mobile service to the public. As a participant in the section of the telecommunications industry to which the Complaints Standard applies, Vodafone is required to comply with the Complaints Standard under subsection 128(1) of the Act.</p> <p>Vodafone's CHP did not include the minimum requirements for consumer complaints handling of the Complaints Standard as described above.</p> <p>Therefore, the ACMA finds that Vodafone contravened subsection 128(1) of the Act on 3 August 2018 for failing to comply with paragraph 7(1)(a) of the Complaints Standard.</p>