Publishing Comparative Complaints Data

Submission by the Australian Communications Consumer Action Network to the Telecommunications Industry Ombudsman

31 May 2013

About ACCAN

The Australian Communications Consumer Action Network (ACCAN) is the peak body that represents all consumers on communications issues including telecommunications, broadband and emerging new services. ACCAN provides a strong unified voice to industry and government as consumers work towards availability, accessibility and affordability of communications services for all Australians.

Consumers need ACCAN to promote better consumer protection outcomes ensuring speedy responses to complaints and issues. ACCAN aims to empower consumers so that they are well informed and can make good choices about products and services. As a peak body, ACCAN will activate its broad and diverse membership base to campaign to get a better deal for all communications consumers.

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# Executive Summary

ACCAN welcomes the opportunity to contribute to this call for submissions. We believe that a significant contribution can be made to informed consumer choice by contextualising this information. ACCAN believes that there may be significant benefits for consumers if this data is used to identify issues and provide targeted responses.

We recognise that there is a need to put in place an appropriate definition of ‘services in operation’ that matches up with the TIO’s jurisdiction. Further consideration needs to be given to how definitions of ‘services’ might be harmonised across organisations so that data sets can be combined and improved in future. We also believe that informed public policy and regulation would benefit from an expanded set of metrics than those considered in the discussion paper.

ACCAN believes there are a number of advantages in making this data open, customisable and publically available as it has the potential to:

* Place a greater importance on service providers working with the TIO to provide speedy resolutions to customer complaints as poor performers will be easily identified.
* Provide a form of ‘market intelligence’ for consumers comparing customer service standards
* Be used in innovative ways when combined with other data sets
* Provide a useful source of information for evidence-based policy and regulation.

ACCAN sees the need for the TIO to be given robust powers to ensure accurate and timely data is delivered by service providers. Without this the contextualising process has the potential to be undermined if only a few providers decide not to provide information.

ACCAN acknowledges the efforts of the TIO in developing better data metrics for complaints data and welcomes further involvement in this process.

## List of recommendations

1. Contextualise complaints by number of ‘services in operation’
2. Define ‘services in operation’ in line with the TIO’s complaint handling jurisdiction
3. Publish additional metrics on the customer service experience
4. Publish contextualised complaints data
5. Give the TIO powers to compel service providers to deliver ‘services in operation’ data through TIO Constitutional change and/or legislative amendment.
6. Synchronise data collection with the ACMA to cut down on duplication
7. Publish contextualised complaints data quarterly
8. Publicise data in an open standard, and machine-readable format, such as a .csv file.

# Responses to the Telecommunications Industry Ombudsman – Publishing comparative complaints data

(a) Proposed method to contextualise complaints data

(i) How is the TIO’s proposal to use services in operation information to contextualise its published complaints data useful for you?

ACCAN has always recognised that consumer interests are best served through vigorous competition in fair and informed markets.[[1]](#footnote-1) We believe empowered consumers should be able to shape supply through the expression of their demand rather than modifying demands to fit whatever is offered. Publishing adequate complaint data metrics are a necessary tool in supporting consumers achieve these outcomes.

#### Useful for consumers

ACCAN believes the primary focus of any reform to the Telecommunication Industry Ombudsman’s (TIO) metrics should be based upon providing clear information to consumers. This can in part be achieved by allowing consumers to compare a service provider’s products based on their relative performance against others. We welcome the TIO’s proposal to contextualise this data, something ACCAN was in favour of in its submission to the Department of Broadband, Communications and the Digital Economy on *Modernising the TIO* in 2011.[[2]](#footnote-2)

ACCAN believes that for a market to operate efficiently consumers need adequate information on which to make purchasing decisions. The way the TIO currently reports complaints gives a good overall picture of the industry, but fails to give sufficient information to make comparisons between providers. By contextualising this data consumers will be armed with appropriate ‘market intelligence’ to decide which provider has the best customer service focus.

#### Useful for industry

ACCAN hopes that this data will provide the impetus to drive innovation in customer service standards. Good performers will be easy to identify for consumers and will benefit from the subsequent growth in their customer base. While poor performing service providers will no longer be able to hide behind opaque data which gives no true picture of their performance relative to the industry and their competitors. The proposed reporting method has the potential to highlight issues unique to each industry player. It will also hold providers accountable and aid groups like ACCAN, DBCDE and the ACMA identify particular providers that need to lift customer service standards. This will provide a useful source of information for evidence-based policy and regulation.

#### What is the proposed method?

ACCAN believes, to better frame the debate, there could have been more detail in the consultation paper on how the alternative metrics would operate. One method proposed was to contextualise the TIO’s complaint data against the number of services operated by each provider. For example the total complaints for a provider divided by the provider’s total ‘services in operation’. This result is then multiplied by one thousand to produce a figure expressed as per 1,000 customers.

While ACCAN believes this would be more useful for consumers in comparing providers than the way data is currently presented, we have some reservations. Firstly, the term ‘services in operation’ needs to be properly defined. Secondly, there needs to be a consideration of the practical implications of collecting this data from service providers.

#### Defining ‘services in operation’

A good definition would match up with the way the TIO records its complaint data. For example, it should only include services over which it would be possible for the TIO to receive a complaint.[[3]](#footnote-3) Therefore it should be confined to:

* The number of services across the complaint period belonging to *residential consumers* or *small businesses*.
* Landline telephone, mobile or internet services, or property or telecommunications equipment.[[4]](#footnote-4)

ACCAN would be concerned about the potential for skewed statistics if data measured a wider set of ‘services in operation’ than those listed above. For example, if services used by large businesses were also included this might reduce a provider’s relative number of complaints without necessarily representing any improvement in customer service to residential consumers and small businesses.

1. Contextualise complaints by number of ‘services in operation’
2. Define ‘services in operation’ in line with the way TIO records complaint data

(ii) What alternatives (if any) can you suggest to contextualise complaints data which would be more useful? Please explain your response.

The method for collection outlined above is one example of how complaints data could be contextualised. However, there may be difficulties in collecting ‘services in operation’ data from providers. This is because of potential administrative burdens and definitional differences associated with separating services provided to residential and small business customers and large businesses. The next best alternative would be to collect total customer numbers for each service. In general this is likely to lessen the impact of including large businesses without necessarily having to remove them from the data set.

ACCAN believes the usefulness of the data would be improved if additional metrics were published. In line with our submission to *Modernising the Telecommunications Industry Ombudsman,* ACCAN would like to see the following metrics:[[5]](#footnote-5)

* The number of matters escalated due to supplier non-response
* The percentage of cases successfully resolved contextualised by TIO member
* The average time it takes a complaint to be resolved contextualised by TIO member

We note that some of the metrics above are being published by the Financial Ombudsman Service (FOS) with great success. The FOS is also presenting them in a way which makes them easily customisable to consumer preferences, such as sorting by dispute numbers and length of resolution.[[6]](#footnote-6) In addition to those mentioned above we would like to see more disclosure generally from the TIO of information such as:

* Systemic issues identified
* Systemic issues investigated
* A summary of the resolutions and the names of the providers in breach
* Whether the provider has complied with the resolution
* Whether a non-complying provider has been referred to ACMA

We note that the DBCDE report on *Modernising the TIO*, which formed part of the impetus for this call for submissions, recommended that most of these additional metrics be reported.[[7]](#footnote-7)

1. Publish additional metrics on the customer service experience

(iii) What concerns, if any, does the TIO’s proposal to publish contextualised complaints data raise for you? Please explain your response.

The goals of openness and transparency and informing public policy decision making are good reasons for making this information public.[[8]](#footnote-8) ACCAN has been frustrated that the general public has not consistently had access to TIO data that is being used in the public sphere.[[9]](#footnote-9) We believe that publishing contextualised complaints data will shine a light on the customer service standards of providers who are failing to meet customer expectations. It will also inform consumers, driving industry towards better practices and innovative customer service. While helping ensure TIO determinations are complied with. However this can only be achieved if this data is made public.

Making the anonymised data public should aid the TIO in its compliance work with providers. Where the TIO identifies an issue, there will be added incentive to respond quickly to minimise the impact on complaint numbers. This means fewer resources need to be expended on lengthy review processes as providers become more accountable to consumers for complaints. This added imperative to respond should make the TIO’s job easier achieving its core goals of providing a fast, free and fair dispute resolution service.

ACCAN believes that the TIO has good standing in the community due to its status as an independent umpire in resolving disputes. Consumers trust the TIO to resolve complaints after they have exhausted their options with a service provider.[[10]](#footnote-10) We believe that an important part of maintaining this trust comes from the community perception of independence. One way to maintain this perception is to make TIO complaints data publically available. This data, displayed in a contextual form, will give consumers greater confidence that the TIO is committed to publishing information without fear or favour.

1. Publish contextualised complaints data

(b) Proposed method to obtain services in operation data

(i) What concerns, if any, does the proposal to collect data directly from providers raise for you? Please explain your answer.

ACCAN’s major concerns are that this information is up to date, accurate and that the TIO are given adequate powers to compel service providers to deliver this data. The use of annual reports and ad hoc agreements appear to be ill suited to these outcomes. They are inappropriate because of limited enforceability as well as a lack of standardised definitions between data sets.

The best proposal would be to extend the TIO powers through amendment to its Constitution and/or legislative amendment. This could be done as part of the TIO’s broader review of its Constitution following from the DBCDE report on reform of the TIO scheme. The TIO could be aided by a specific power to request, and for members to provide, annualised data reports on services in operation.

To reduce duplication by service, this request for data could be timed to coincide with the information already provided to the ACMA.[[11]](#footnote-11) To ensure the data is up to date and accurate the TIO should be empowered to collect data directly from providers rather than waiting until the ACMA makes its report public.

1. Give the TIO powers to compel service providers to deliver ‘services in operation’ data through TIO Constitutional change and/or legislative amendment.

(ii) Are the proposed timeframes for collection of the data appropriate? If not, what timeframes would be more suitable?

This data represents important market information for consumers and the contextualising process should begin as soon as practicable and on an ongoing annual basis. Given the requirement on service providers to already pass on similar data to the ACMA annually the proposed timeframe appears appropriate.

The proposed staged rollout of this scheme is an appropriate measure to ensure confidence in the scheme. By beginning with the 10 providers, who have the highest number of new complaints, both consumers and industry will be given a good picture of the usefulness of the scheme.

1. Synchronise data collection with the ACMA to cut down on duplication

(c) Timeliness of publication

(i) What is your view about the proposal to publish contextualised complaints data annually in the TIO annual report or some other publication?

This data needs to be published in a form which is up to date and customisable to consumer’s needs. As such the TIO should be looking to publish data more frequently than annually. The TIO already has a quarterly release schedule for statistics. Contextualised data is going to be the key piece of data in consumer decision making over customer service issues. Therefore, ACCAN sees no reason why the quarterly updates of contextualised data cannot be included in the current data updates.

The proposed annual collection of ‘services in operation’ data could be used as a baseline figure upon which to compare quarterly results. If service providers believe this data to be out of date they should be given an opportunity to provide updated baseline figures.

1. Publish contextualised complaints data quarterly

(d) Relevant stakeholders

(i) Please provide information about any additional stakeholders, other than those listed in section 5, who may have an interest in the TIO’s reporting of complaint information

There are a number of community sector groups as well as subsets of the consumer stakeholder group who would have an interest in the TIO reporting of complaint data. ACCAN has 109 organisational members[[12]](#footnote-12) as well as individual members, many of whom have a direct interest in service quality issues.

By combining this information with demographic data it would be of particular use to our rural and regional members, such as the NSW Farmers Association and Broadband for the Bush. It would also be particularly useful for a number of disability group members, such as People with Disability Australia and culturally and linguistically diverse groups like the Federation of Ethnic Communities’ Councils of Australia.

(ii) For the stakeholders listed (and any additional stakeholders you identify), what other needs in addition to those listed should be considered in the publication of TIO complaint information?

Considering the problems specific to some regions of Australia, the ability to customise the data to show complaint levels by geographical area would be very useful to consumers. For example, a consumer looking to sign up for a mobile phone in the Illawarra region of NSW would be greatly assisted by knowing the relative complaint levels for each service provider in that region.

Obviously, making data customisable to the various needs and requirements of stakeholders would mean a significant resources investment by the TIO. Without wanting to undermine the TIO’s position in presenting this data in a contextualised and properly qualified way, ACCAN believes that the raw data set should be openly accessible.

Open data projects have been used all over the world and create opportunities for innovative use and reuse of data, and allow the commercial, research and community sectors to add value.[[13]](#footnote-13) Releasing this type of data also assists government, community sector and industry in making evidence-based policy and service delivery decisions, and supports increased citizen participation in government. One example of the innovative use of data sets in Australia was the creation of apps drawing on the ‘National Public Toilet Map’ dataset.[[14]](#footnote-14) These apps provide smartphone owners with the ability to find the nearest toilet to their location. The advantages of opening the TIO complaint data set to the public could mean significant innovation and improved engagement with telecommunications issues, all at very little cost to the TIO.

OfCom recently decided it would be in the interest of stakeholders to publish the raw data behind their complaints data.[[15]](#footnote-15) All of their reports are accompanied by a ‘CSV’ file available on the website. The file contains a complete set of non-confidential data used to produce its charts.

1. Publicise data in an open standard, and machine-readable format, such as a .csv file.

(e) Service type definitions

(i) From your perspective, what value (if any) is there for the telecommunications industry (including the ACMA, DBCDE and TIO) to develop a common and agreed set of standard definitions to classify service types?

Interoperability would be a significant advantage to the telecommunications industry and its consumers developing a common and agreed set of standard definitions to classify service types. Interoperability allows diverse systems and organisations to work together in combining data sets.[[16]](#footnote-16) For example, TIO complaint data might be combined with ABS demographic data to map Internet penetration rates in areas with a high percentage of people from non-English speaking backgrounds. This data may reveal that particular service types have a lower uptake due to systemic issues identified in the TIO complaint data. The data could then be used to help service providers target these consumers with clearer and/or multi-lingual information about their services. Similarly, providers could address particular geographical areas with significant service problems. ACCAN believes that there may be significant benefits to consumers if these data sets can be used to identify issues and provide targeted responses.

(ii) If such a project was to be undertaken, what difficulties might be faced and how could they be overcome?

With agencies and providers collecting data for different purposes, it may be difficult to get one definition for these varying service types. Despite the possible benefits to interoperability, the current project of contextualising complaint data is too important to be delayed simply to get shared definitions. However, it should be an ongoing project for these organisations to work together in building common classifications of service types.

1. ACCAN, *Reconnecting the Customer*, submission to the Australian Communications and Media Authority, September 2010, <<http://accan.org.au/index.php?option=com_content&view=article&id=112:reconnecting-the-customer&catid=143:your-rights&Itemid=182>> [↑](#footnote-ref-1)
2. ACCAN, *Modernising the TIO*, submission to the Department of Broadband, Communications and the Digital Economy, 31 March 2011, <<http://accan.org.au/index.php?option=com_content&view=article&id=285:modernising-the-tio&catid=141:phones&Itemid=174>>. [↑](#footnote-ref-2)
3. <http://www.tio.com.au/consumers/who-can-complain> [↑](#footnote-ref-3)
4. <http://www.tio.com.au/consumers/types-of-complaints-we-handle> [↑](#footnote-ref-4)
5. ACCAN, ‘*Modernising the TIO’,* submission to the DBCDE,March 2011 [↑](#footnote-ref-5)
6. FOS, (2011), ‘Comparative Table 2010/11’, < <http://www.fos.org.au/comparativetables/2010-2011/> > [↑](#footnote-ref-6)
7. DBCDE, ‘*Reform of the Telecommunications Industry Ombudsman*’, May 2012, recommendation 6 [↑](#footnote-ref-7)
8. "Publicity is justly commended as a remedy for social and industrial diseases. Sunlight is said to be the best of disinfectants; electric light the most efficient policeman." –Brandeis J, US Supreme Court [↑](#footnote-ref-8)
9. ACCAN, ‘*Modernising the TIO’,* submission to the DBCDE,March 2011 [↑](#footnote-ref-9)
10. Telecommunications Industry Ombudsman, (2011), ‘Submission to the Department’s Discussion Paper - Telecommunications Industry Ombudsman Scheme’, April, 211 [↑](#footnote-ref-10)
11. ACMA does collect some information about services in operation numbers from carriage service providers as part of its obligation to produce its Communications Report under section 105 of the *Telecommunications Act 1997* [↑](#footnote-ref-11)
12. ACCAN Organisational Members <<https://accan.org.au/index.php?option=com_content&view=article&id=77&Itemid=187>> [↑](#footnote-ref-12)
13. Data.gov.au <http://data.gov.au/better-practice/> [↑](#footnote-ref-13)
14. Data.gov.au <http://data.gov.au/dataset/national-public-toilet-map/> [↑](#footnote-ref-14)
15. OfCom, (2012), ‘Telecoms and Pay TV Complaints Q3 (July to September) 2012’, <http://stakeholders.ofcom.org.uk/market-data-research/other/telecoms-research/complaints/q3-july-sep-2012/> [↑](#footnote-ref-15)
16. Open Knowledge Foundation, 2012, ‘Open Data Handbook’, <http://opendatahandbook.org/en/what-is-open-data/> [↑](#footnote-ref-16)