



PROPOSED AMENDMENTS TO WATER CUSTOMER SERVICE CODES

New requirements for family violence policies

Draft decision

February 2017

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SUMMARY

- The Essential Services Commission (the Commission) is proposing a number of changes to our urban and rural customer service codes to require water businesses to establish and implement a family violence policy. We are seeking feedback before we make a final decision on the code changes.
- In March 2016, the Royal Commission into Family Violence (royal commission) made 227 recommendations aimed at improving the community's response to the scale and risks of family violence. The Victorian Government has committed to implementing all recommendations of the royal commission.
- Noting the adverse financial impacts of family violence, one of the royal commission's recommendations was for the Commission to update its customer service codes to ensure water businesses provided support under their existing payment difficulty programs for customers affected by family violence.
- In November 2016, the Victorian Government released its water policy. The policy complemented the royal commission's findings and requires all water businesses to work with the Commission to develop and implement family violence policies.
- We engaged widely to respond to the royal commission's recommendation and inform updates to our codes. We heard that for a water business to have an effective family violence policy, it needs to address a number of key elements. These elements include the royal commission's recommendation, which focused on access to existing payment difficulty programs for customers affected by family violence.
- We heard that an effective family violence policy needs to provide for (at minimum):
 - training and support for staff dealing with customers affected by family violence
 - the protection of private and confidential customer information

- access to the existing payment difficulty programs provided by businesses
 - minimising repeat disclosures of family violence by a customer, and
 - referring customers to external expertise.
- Our proposed code changes require all water businesses to develop and implement a family violence policy that covers these matters.
- Our proposed code changes recognise the roles and responsibilities of water businesses. For example, we do not expect a water business will provide counselling services to customers; rather, we expect that a water business will provide referrals to specialist counselling services where appropriate.
- We believe the changes are in the interests of Victorian consumers. The changes will place new requirements on water businesses to put in place processes that help to minimise the risk of harm in their interactions with customers, and to help ensure businesses provide timely, consistent, and targeted advice to customers affected by family violence.
- The Commission’s intention is for the code changes to take effect from 1 July 2017, and for businesses to fully implement by the end of June 2018. Recognising that water businesses are at different stages of developing their family violence policies, our expectation is that all water businesses will need time to implement their family violence policies and processes. At the end of 2017-18, we will review whether all urban and rural water businesses have implemented family violence policies.

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1 INTRODUCTION

In February 2015, the Royal Commission into Family Violence (royal commission) was established by the Victorian Government to inquire into and report on how Victoria's response to family violence can be improved. In March 2016, the royal commission tabled its report including 227 recommendations aimed at improving the community's response to the scale and risks of family violence. The royal commission highlighted that family violence includes a broad range of behaviour that is not limited to physical violence.¹ It found that many parties have a role to play, including essential service providers, in addressing family violence.

Utilities deliver essential services for every household. Due to the critical function these essential services play in daily life, the royal commission found that perpetrators can use control over essential services as a form of family violence called economic abuse, including by:

- insisting an account is in a victim's name and refusing to contribute to the cost
- putting a service in the sole name of the victim without their knowledge or consent
- holding an account jointly and refusing to contribute to the cost
- holding the account in their own name and not paying bills, resulting in disconnection,² and
- holding the account in their own name and threatening to have the service cut off or having it cut off when they leave the family home.³

¹ State of Victoria 2016, Royal Commission into Family Violence: Report and recommendations, Vol I, Parl Paper No 132 (2014–16), March, p 15.

² Restrictions, rather than disconnections are applied in Victoria's water sector.

³ State of Victoria 2016, *op. cit.*, p 104.

The royal commission found that these actions can result in family violence victims facing financial difficulties and the loss of access to essential household services.

Noting the role of the Essential Services Commission as the economic regulator of Victoria's energy and water sectors, the royal commission recommended that we amend our customer service codes to help address these issues. Our codes place obligations on the businesses we regulate in terms of the conditions and standards they must meet in their delivery of services to customers.

Box 1 provides the full recommendation of the royal commission as it applies to our role in Victoria's water sector. In April 2016, the Victorian Government committed to implementing all recommendations made by the royal commission.

BOX 1 ROYAL COMMISSION - RECOMMENDATION 109

The Victorian Government work with the Essential Services Commission [within 12 months] to:

- amend the Customer Service Code — Urban Water Businesses [within 12 months] to:
 - list minimum eligibility criteria for access to hardship program
 - include family violence as an explicit eligibility criterion.
- develop industry guidelines for energy and water retailers to require comprehensive and ongoing training of customer service staff to help them identify customers experiencing family violence and financial hardship.
- publicise the availability of dispute resolution mechanisms for people affected by family violence.

Source: State of Victoria 2016, op. cit., p. 120.

In November 2016, the Victorian Government released its water policy.⁴ The policy complemented the recommendations of the royal commission, and requires all water businesses to continue to develop “good practice in dealing with hardship, including actions to accommodate situations where domestic violence has created financial insecurity.”⁵ The policy also requires all water businesses to work with the Commission to develop and implement family violence policies.

This paper sets out the Commission’s draft proposals on changes to our customer service codes to require water businesses to develop family violence policies. We also propose minimum requirements for the scope of the family violence policies.

We invite submissions on this paper by **Friday 17 March 2017**.

This paper is structured as follows:

- Chapter 2 outlines our engagement process
- Chapter 3 details our proposed amendments
- Chapter 4 details process for submissions and next steps.

⁴ State of Victoria (DELWP) (Department of Environment, Land, Water and Planning) 2016, *Water for Victoria, Water Plan*.

⁵ State of Victoria (DELWP) (Department of Environment, Land, Water and Planning) 2016, *Water for Victoria, Water Plan*, p 173

2 OUR REVIEW

The Commission collaborated with a range of interested parties to inform our proposed changes to the urban and rural customer service codes, and our approach to monitoring the implementation of family violence policies by water businesses.

2.1 OUR ENGAGEMENT PROCESS AND FEEDBACK

From June 2016 we met with water businesses, industry representatives, family violence experts in the community sector, and specialist training providers to increase our understanding of how family violence can impact on water businesses. Later in 2016 we hosted workshops with industry (Box 2) to promote awareness of family violence within the water sector, and to explore the issues a family violence policy might deal with.

BOX 2 WORKSHOPS WITH THE WATER INDUSTRY

The Commission hosted two workshops (August and September 2016) to raise awareness and identify issues faced by water businesses and their customers. The focus was then to provide information on how community organisations and water businesses could respond to customers affected by family violence. Approximately 60 people from across the state attended each event in Melbourne.

Attendees heard from experts such as Jo Benvenuti (Consultant and formerly Executive Officer of Consumer Utilities Advocacy Centre), who spoke about the pervasiveness, yet under-reporting, of family violence and the role of the water sector in supporting victims of family violence. Prue Cameron (Domestic Violence Victoria) spoke about how customers may be affected by family violence and the risks of inadvertent disclosure of a customer's information.

National Australia Bank and Optus spoke about their approach to assisting customers impacted by family violence. Panel and table discussions covered a broad range of topics, including current partnerships to improve awareness of family violence, training available for staff, how to refer customers to appropriate support agencies, treatment of debt, information privacy and issues facing the water sector. Panellists included representatives from Good Shepherd, EWOV, Kildonan, South East Community Links, Wannon Water, WEstjustice, Women's Health and Wellbeing Barwon South West, Women's Legal Service Victoria and Yarra Valley Water.

As noted by the royal commission, the scale and impact of the harm caused by family violence is large. We recognise that water businesses should not and cannot be expected to solve all problems associated with family violence. As noted by the royal commission, different entities will have different roles in the community's response to family violence.

However, the nature of the services delivered by water businesses and their processes means they will come into contact with customers affected by family violence in a number of different ways; through front line call centre staff and during property visits, for example. Taking into account their roles and responsibilities, our proposed code changes seek to place new obligations on water businesses in our codes to help ensure they are playing their part in a whole-of-community response to family violence.

A number of water businesses have commenced developing or implementing family violence policies. We are seeking to build on the progress of these businesses for the benefit of all Victorian water customers. Indeed, we reviewed policies developed by Yarra Valley Water and AGL, to learn from emerging practice and inform our proposed code changes.

Informed by our engagement and review of emerging practice, we believe an effective family violence policy needs to, at minimum, cover the following elements:

- **Protection of private and confidential information** – During our engagement, we heard examples where private information (such as a forwarding address) has been inadvertently disclosed by a service provider to a perpetrator of family violence, putting a customer at risk of harm. Water businesses should have processes that

prevent them from disclosing personal information. Having these processes in place will provide additional assurance to customers that they can safely disclose confidential information to a water business, including that they are affected by family violence. This will help water business to offer support to customers affected by family violence.

- **Access to payment difficulty programs** – We heard during our engagement that bill payment difficulty is a common outcome for customers affected by family violence. A water business can deliver better outcomes for customers affected by family violence by providing support under existing payment difficulty programs. It is through these programs, that businesses can offer flexible arrangements that are matched to a customer’s circumstances. We note that these programs are a requirement already established in our customer service codes; however water businesses do not always recognise victims of family violence as in need of this support. A good family violence policy allows for access to this support, and makes explicit the options for debt recovery so to avoid victims of family violence taking sole responsibility for joint debt, particularly in order to maintain supply.
- **Staff training and support** – Front line staff in water businesses engage with customers affected by family violence. A staff member’s response can influence the risk that a customer faces in terms of family violence, as well as the quality of support provided to a customer. A good family violence policy will provide for training to be delivered to staff to help them to identify signs of family violence, and know what to do in response. For example, extending training to IT staff equips them to evaluate the risk posed by system upgrades as well as to implement practical solutions to prevent the inadvertent release of confidential information.

A good family violence policy will include mechanisms to support staff assisting customers experiencing family violence, and staff who are themselves family violence victims. This may include training of managers and an employee assistance program.

- **Minimising repeat disclosures of family violence** – During our engagement, a number of participants noted that when family violence victims have to repeat their story to different staff, it can have a traumatizing effect, causing them to ‘re-live’ the experience of family violence. In addition, there is greater risk for a customer if they need to disclose their circumstances multiple times, as the perpetrator may be either present or monitoring calls. Water businesses should put in place processes

to minimise repeat disclosures of family violence by a customer (including where customers are referred by a community agency) and to provide an avenue for continuity of service that ensures that requests water businesses make for information, and also their referrals, are appropriate.

- **Referrals to external agencies** – Accessing support can be difficult for those living with or escaping from family violence. As providers of an essential service, it is not anticipated that water businesses are experts in the field of family violence or equipped to provide counselling service. Water businesses, however, do have a close association with their local communities and are therefore well placed to identify and provide referral information about other support services available, including for Aboriginal and Torres Strait islander customers affected by family violence, and customers from culturally and linguistically diverse backgrounds.

2.2 OUR IMPLEMENTATION FRAMEWORK

Chapter 3 discusses our proposed amendments to the customer service codes. In considering the Commission’s proposed amendments, it is important that interested parties have regard to our current thinking on the approach we will take to implementing code changes, supporting the development of family violence policies, and monitoring the implementing of family violence policies by water businesses.

Our proposed framework and key timelines are provided at Figure 1. We have distinguished activities that are the responsibility of the Commission (such as making the code changes) and the responsibility of the businesses (such as developing the detail of and implementing family violence policies). The key steps in our approach are:

1. **Amend the customer service codes:** The Commission will amend its urban and rural customer service codes, which are to take effect on 1 July 2017 and be fully implemented by 30 June 2018.
2. **Develop industry guidance material¹:** The Commission is developing ‘better practice guidance material’ in collaboration with water businesses and the Energy

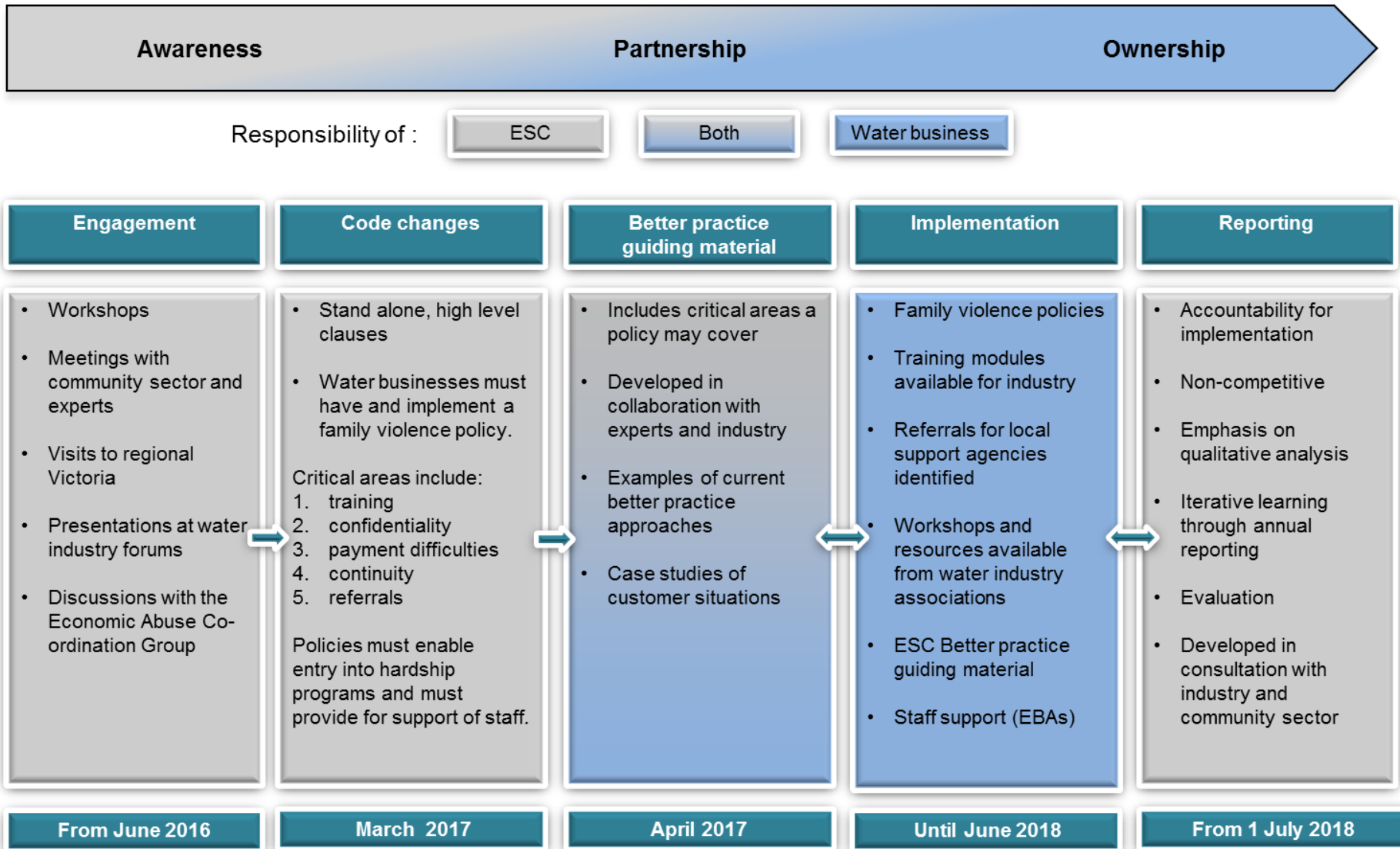
¹ The royal commission into family violence recommendation specifies we develop industry guidelines for training. Under the Essential Services Commission Act (2001), a guideline has a specific meaning which does not extend to training.

and Water Ombudsman (Victoria) (EWOV), to inform the content of the water businesses' family violence policies. Our intention is that the guidance material will be available to businesses by the end of April 2017.

- 3. Development and implementation of family violence policies:** Water businesses will be responsible for developing and implementing their family violence policies. Businesses may use our guidance material.
- 4. Reporting on implementation:** The Commission will develop a reporting framework in coming months. All water businesses must have family violence policies in place in 2017-18. Our intention is to review that all urban and rural water businesses have implemented family violence policies by the end of 2017-18.

In order to give effect to the intent of the Royal Commission into Family Violence, we refer to this work as guidance material.

Figure 1 Code changes and implementation



3 PROPOSED AMENDMENTS

This chapter sets out the Commission’s proposed changes to our customer service codes to require water businesses to implement family violence policies. We also specify the minimum expectations for the content of the family violence policies. Full copies of the urban and rural codes with proposed changes clearly identified, are provided at Attachment 1 and 2, respectively.

3.1 DEFINITION OF FAMILY VIOLENCE

Family violence is defined under the *Family Violence Protection Act 2008 (Vic)* (see Box 3).

BOX 3 FAMILY VIOLENCE PROTECTION ACT 2008 (VIC)

Family violence is defined as:

- (a) behaviour by a person towards a family member of that person if that behaviour—
 - (i) is physically or sexually abusive; or
 - (ii) is emotionally or psychologically abusive; or
 - (iii) is economically abusive; or
 - (iv) is threatening; or
 - (v) is coercive; or

(vi) in any other way controls or dominates the family member and causes that family member to feel fear for the safety or wellbeing of that family member or another person; or

(b) behaviour by a person that causes a child to hear or witness, or otherwise be exposed to the effects of, behaviour referred to in paragraph (a).

3.2 WHAT WE ARE PROPOSING

Our proposed new family violence clause is provided at Figure 3.1. The clause requires water businesses to have and implement a family violence policy, and specifies the minimum requirements for the content of the policy. We have aimed to develop requirements that are high level and enabling, providing businesses with flexibility to decide on their specific approach. This will also allow businesses to learn and adapt their policies and approach to family violence over time.

FIGURE 3.1 PROPOSED FAMILY VIOLENCE CLAUSE

A water business must have and implement a family violence⁷ policy.

As a minimum, the policy must:

- (a) provide that all relevant staff have ongoing training to:
 - (1) identify customers affected by family violence;
 - (2) deal appropriately with customers affected by family violence; and
 - (3) apply the water business's family violence policy and related policies and procedures to customers affected by family violence;
- (b) identify the support the water business will provide to staff affected by family violence, including any training, leave, external referrals and counselling available;
- (c) provide for the secure handling of information about those affected by family violence, including in a manner that maintains confidentiality;
- (d) specify the water business's approach to debt management and recovery where a customer is affected by family violence, including, but not limited to:
 - (1) the recovery of debt from customers with joint accounts; and
 - (2) the circumstances in which debt will be suspended or waived;
- (e) recognise family violence as a potential cause of payment difficulties and as an eligibility criterion for access to the water business's hardship policy under clause 5.3 and 5.4, and address what payment support will apply to customers affected by family violence;
- (f) provide for a process that avoids customers having to repeat disclosure of their family violence, and provides for continuity of service; and
- (g) provide a means for referring customers who may be affected by family violence to external assistance.

A water business must:

- (h) publish on its website, and keep up to date, the assistance and referrals available to customers affected by family violence and how customers may access such assistance; and
- (i) provide a copy of the policy to a customer upon request.

Each element of the proposed changes is outlined and discussed below.

⁷ "Family violence" has the meaning given in section 5 of the *Family Violence Protection Act 2008* (Vic).

3.2.1 STAFF TRAINING TO IMPROVE RESPONSES TO FAMILY VIOLENCE VICTIMS

As a minimum the policy must:

- (a) provide that all relevant staff have ongoing training to:
 - (1) identify customers affected by family violence;
 - (2) deal appropriately with customers affected by family violence; and
 - (3) apply the water business's family violence policy and related policies and procedures to customers affected by family violence;

Through our engagement, we heard that providing staff within water businesses with guidance and training in understanding, identifying and responding to family violence is critical. This clause aims to require that water businesses put in place training programs to better identify and improve the experience of family violence victims.

Part (1) seeks to ensure that water business staff are trained in order to help them identify where customers may be affected by family violence. We received feedback that customers may be reluctant or unable to disclose their circumstances, and that training should provide staff with skills to identify signs that indicate customers may be affected by family violence including economic abuse.

The Royal Commission into Family Violence (royal commission) noted economic abuse is a form of family violence that is not well recognised by service providers. It found that service providers (and others) do not consistently and appropriately recognise, intervene and respond to economic abuse. This highlighted an opportunity to develop the capacity of service providers to identify economic abuse and know what to do in response.

Part (2) seeks to ensure the manner of staff dealing with a customer affected by family violence facilitates, rather than acts as a barrier, to the identification of family violence, and to improve the experience of customers affected by family violence.

The royal commission cited examples where customers were reluctant to disclose their circumstances due to a lack of lack of empathy and understanding of staff members

within essential service providers. We also received feedback about this during our engagement process including that once a customer has a poor first experience with a call centre, they may be reluctant to seek assistance in the future. This means customers don't benefit from support services water business offer and may be at greater risk of harm.

Part (3) seeks to ensure that businesses make their staff aware of the policies and procedures of the business when responding to family violence.

Our consultation highlighted the importance of training on policies and processes to ensure water business staff provide accurate information and consistent service to customers. During our consultation we heard from Kildonan Uniting Care and Good Shepherd which already provide training to utilities and have developed programs targeting different business streams and roles within a business.

As a minimum the policy must:

- (b) identify the support the water business will provide to staff affected by family violence, including any training, leave, external referrals and counselling available;

Many participants in our engagement process noted that businesses seeking to develop an effective customer-facing family violence policy also needed to consider the support they provide to their staff. Through their contact with customers experiencing family violence, staff will experience many difficult situations. We heard some examples where staff were adversely affected when their interactions with victims or perpetrators of family violence caused them to re-live their own experience of family violence. While not requiring businesses to have a staff family violence policy, this clause would require a water business to consider and specify the support it will provide staff that are affected by family violence, and to give some consideration to the training it provides managers and the nature of its employee assistance program.

3.2.2 PROTECTING PRIVATE AND CONFIDENTIAL INFORMATION

As a minimum the policy must:

- (c) provide for the secure handling of information about those affected by family violence, including in a manner that maintains confidentiality;

During our engagement we heard how important it is for water businesses to secure the personal information of a victim of family violence, particularly when the perpetrator is or has been a joint account holder. The royal commission reviewed a 2014 report by the Consumer Utilities Advocacy Centre which identified that confidentiality is a critical concern in circumstances of domestic violence. In cases of family violence, particularly where there is a joint account, abusive partners can use a victim's personal information to pass routine privacy protections and obtain their ex-partner's new contact details, in order to continue abusive behaviour.

During our consultation we heard from EWOV that customers face risks associated with outstanding bills and confidentiality, in that utility retailers require new addresses to follow up outstanding amounts on joint accounts. EWOV noted instances where the final bill was sent to an old address with details of the new address on it in error. This placed the customer at considerable risk of harm.

Participants in our consultation identified the importance for customers of having confidence that information they share with the water business about their family violence, is not disclosed to the perpetrators, and that any information they provide is accessible only to authorised staff.

Victims of family violence need to have confidence that their personal information is secure and not at risk of deliberate or inadvertent disclosure. This provision in a family violence policy requires that water businesses turn their mind to how a customer's personal information will be made secure, particularly from joint account holders where family violence is known to exist.

3.2.3 RESPONDING TO CUSTOMERS EXPERIENCING PAYMENT DIFFICULTY

As a minimum the policy must:

- (d) specify the water business's approach to debt management and recovery where a customer is affected by family violence, including, but not limited to:
 - (1) the recovery of debt from customers with joint accounts; and
 - (2) the circumstances in which debt will be suspended or waived;

Our consultation identified that perpetrators often avoid responsibility for debts, and leave their partners or former partners with substantial liabilities. We received feedback that debt incurred through jointly held accounts was one of the most difficult issues for victims to resolve with financial institutions.⁸ These difficulties often resulted in ongoing abuse after the relationship ends due to victims being unable to extricate themselves from financial arrangements with former partners.⁹

The royal commission recognised a role for utilities providers to do more in assisting customers regain control of their finances. This included specific recommendations to the Australian Communications and Media Authority (Recommendation 109) to amend the Telecommunications Consumer Protections Code to include family violence as grounds for splitting jointly held debt. The Australian Banking Association responded to the royal commission recommendation 111 by specifying how banks can address joint debt in situations of family violence. Through our consultation, community groups noted the approach of the royal commission on joint debt and highlighted the need for customers and their support workers to have consistency when dealing with utilities.

Part 1 and part 2 of this proposed clause seek to ensure water businesses provide greater transparency about the range of options available for the recovery of debt so

⁸ State of Victoria 2016, Royal Commission into Family Violence: Report and recommendations, Vol IV, Parl Paper No 132 (2014–16), March, p 103

⁹ Ibid 102

customers and their support workers have greater certainty when working towards future financial security after economic abuse.

The Commission does not intend for this clause to imply that amounts owed by victims of family violence must be waived. Businesses must make their own decision about collection, as they currently do with other payment difficulty provisions. The intent is that businesses recognise the role of family violence in the accrual of debt and that staff are empowered to consider options that support customers to manage or recover from the effects of financial abuse.

As a minimum the policy must:

- (e) recognise family violence as a potential cause of payment difficulties and as an eligibility criterion for access to the water business's hardship policy under clause 5.3 and 5.4, and address how the hardship policy will apply to customers affected by family violence;

This clause is a direct response to the royal commission Recommendation 109 which states that family violence is to be included as an explicit criterion for access to hardship programs. The intent of the royal commission is to improve access to support measures that are already offered as part of a hardship program. The issue was highlighted in a report by Consumer Utilities Advocacy Centre which found that even when victims of family violence satisfied the criteria for assistance with payment difficulty, in practice some utilities did not assess the circumstances as worthy of hardship assistance. It noted that South East Water's hardship policy was among the exceptions, listing family violence as a circumstance that contributed to a person's inability to pay.

Our interpretation of existing payment difficulty and hardship provisions in the water service codes is that water businesses are already obliged to offer support to customers who self-identify as experiencing hardship, or who are experiencing difficulties paying. We consider clause (e) will strengthen this obligation, and lead businesses to make a more comprehensive evaluation of the support they provide to customers experiencing family violence, even in circumstances where family violence is not the primary driver for their contact with a water business.

3.2.4 MINIMISING REPEAT DISCLOSURES OF FAMILY VIOLENCE

As a minimum the policy must:

- (f) provide for a process that avoids customers having to repeat disclosure of their family violence, and provides for continuity of service;

Our consultation highlighted the challenges customers, and their support workers, face communicating to their creditors about their experience of family violence. The royal commission reported that a common theme among victims trying to access hardship programs across utility providers was the lack of empathy and understanding of family violence.

The lack of dedicated staff meant victims had difficulty making disclosures about their abuse and often required their story to be told several times. Feedback from community organisations during our consultation was that the process of customers having to repeat their family violence story often had a traumatizing effect, with customers ‘re-living’ the experience of family violence. In addition, customers were not always able to provide details of their circumstances, as the perpetrator may be either present or monitoring the call.

Other feedback included the need for continuity for victims of family violence when they contact their utility. Water businesses that already offer a direct point of contact for victims of family violence, noted benefits to both businesses and customers as staff are better able to assess the specific needs of their customer when tailoring support, and customers had a greater level of trust in the support they received.

Clause (f) seeks for water businesses to include in family violence policies how customers experiencing family violence and their support workers access ongoing support in a manner that does not require them to retell their family violence experience or to needlessly re-negotiate support options water business staff have previously offered. During the consultation we heard about various initiatives that enable a consistent point of contact for when a customer or a support worker reconnects with the business. We recognise that there is no single approach that suits the needs of all regional and metropolitan businesses and have drafted the code with this in mind.

3.2.5 PROVIDING CUSTOMERS WITH REFERRALS TO EXPERTISE

As a minimum the policy must:

- (g) provide a means for referring customers who may be affected by family violence to external assistance.

Our consultation highlighted the importance of specialist family violence referrals given the complexity of the issues victims of family violence face. A recognised impact of family violence is isolation. The royal commission noted that accessing support service can be difficult for those living with or escaping from family violence and that isolation caused by family violence, means that victims of family violence may be unaware of appropriate services that are available. It also noted this isolation is heightened for regional, Aboriginal and Torres Strait Islander customers, and those from culturally and linguistically diverse backgrounds.

This clause seeks to recognise that as providers of an essential service, businesses are well placed to provide referral information about other support services available to customers impacted by family violence. It is not expected that water businesses will become experts in the field of family violence or provide a counselling service.

Nevertheless, water businesses understand the demographics of their community, as well as the geographical and social barriers their communities face. They can and should use this information to develop appropriate referrals and to promote these support services using means that are accessible to customers who are experiencing family violence.

In identifying and providing referrals, water providers strengthen existing links, or develop new ones with local service providers. One water business spoke of building a new relationship with local family violence service provider that it has since engaged to provide training and input into its family violence initiatives.

3.2.6 MAKING CUSTOMERS AWARE OF ASSISTANCE AVAILABLE

A water business must:

- (h) publish on its website, and keep up to date, the assistance and referrals available to customers affected by family violence and how customers may access such assistance; and
- (i) provide a copy of the family violence policy to a customer upon request.

This clause seeks to improve a customer's awareness of water business's family violence policies. Through our engagement, stakeholders noted that it was important that customers affected by family violence are quickly able to access information on support available from the water business and organisations offering specialist services.

Publishing only the family violence policy may be counterproductive as it may be of little value if it is too difficult for a customer to identify contact information for the business, and a snapshot of the support a business may be able to provide. Businesses should also consider publishing contact details for external specialist services such as the 1300 Respect line, and on-line resources such as the Domestic Violence Resource Centre Victoria.

3.3 FLEXIBILITY IN PROVIDING BILLING HISTORY

Resulting from the proposed new family violence clause, there are two consequential amendments that we propose for the existing clauses on billing history¹⁰, and the contents of the customer charter¹¹.

BILLING HISTORY

Upon request by a customer, a water business must provide the customer's account and usage history for the preceding three years within 10 business days, or other period by agreement. A water business may refuse to provide a customer with their account and usage history where the provision of such information is contrary to the information handling procedures set out in the water business's family violence policy and the refusal is not in breach of law.

Our proposal highlights that provision of billing records is a risk area for inadvertent disclosure. With this proposed change, a water business may exercise its discretion on the method it uses to comply with this clause in circumstances where a customer has disclosed family violence, and providing a joint account holder with billing records that also include personal information, poses a risk to the victim's safety.

¹⁰ Clause 12.7 of the Customer Service Code for Urban Water Businesses and clause 9.7 of the Rural Water Customer Service Code

¹¹ Clause 16 (g) of the Customer Service Code for Urban Water Businesses and clause 13 (f) of the Rural Water Customer Service Code

3.4 SUPPORT INFORMATION AVAILABLE IN CUSTOMER CHARTERS

CONTENTS OF CHARTER

Information about how the water business will deal with customers (including joint account holders) affected by family violence, including the handling of customer information, billing and debt management.

Customer charters outline a business's service commitments, and the rights and responsibilities of the water business and their customer. Through customer charters, water businesses communicate with their customers the terms of conditions of their supply, including service standards. We propose to add a subclause to clause 15 for the Urban Water Code and to clause 14 in the Rural Water Code, requiring water businesses update their customer charters to reflect their service commitments in relation to customers experiencing family violence.

3.5 AMENDMENTS TO RURAL WATER CODE

We propose amending both the Customer Service Code for Urban Water Businesses and the Rural Water Customer Service Code to include the family violence clause as well as the two consequential amendments. The phrasing of clause (d) of the family violence clause for rural water businesses specifies only payment difficulty programs as rural businesses are not required under the code, to have hardship programs.

4 NEXT STEPS

We welcome feedback on any aspect of these proposed amendments. In particular we are seeking your feedback on the following questions:

Question 1:
Are there any gaps in the proposed amendments?

Question 2:
Are there any areas we don't need to cover?

Question 3:
Are there any modifications to the wording or drafting of the proposed amendments to improve clarity?

A timeline for providing feedback on this consultation paper and the Commission's process for enacting any code amendments is outlined in table 4.1 below.

TABLE 4.1 TIMELINE FOR CODE AMENDMENTS
Indicative dates

Date	Event
20 February 2017	Consultation on this paper opens
9 March 2017	Public forum on proposed code changes
17 March 2017	Deadline for submissions to this consultation paper
7 April 2017	Release of final decision paper and new customer service codes based on submissions and consultation
1 July 2017	Code amendments take effect and businesses have one year to implement new policies

SUBMISSIONS

Submissions in response to this consultation paper are invited by the close of business on **Friday 17, March 2017**.

We would prefer to receive written submissions via email to water@esc.vic.gov.au, with the subject line 'Submission on Codes draft decision – [*Organisation/Name*]’.

You may also send submissions by mail to:

Water Team – Customer Service Codes
Essential Services Commission
Level 37, 2 Lonsdale Street
Melbourne VIC 3000

Our policy is to publish all submissions on our website¹². If you do not wish us to disclose information publicly, please provide a confidential version and a version that is suitable for publication.

PUBLIC FORUM

The Commission will run a public forum in Melbourne to discuss why these code amendments have been proposed and collate feedback on the clauses outlined in chapter 2.

Forum details:

- Date: 9 March 2017
- Time: 10:30am to 12:30pm
- Venue: Gorman Room, Dialogue Conference Centre
- RSVP: Please register your interest and any dietary requirements via water@esc.vic.gov.au.

GENERAL QUERIES

Contact Marcus Crudden or Lucy Weston – 9032 1300

¹² The Commission's policy is available at <http://www.esc.vic.gov.au/corporate/submission-policy/>

5 ATTACHMENTS

Published with this draft decision are copies of the Customer Service Code - Urban Water Businesses, and the Rural Water Customer Service Code. Both have been marked to show the proposed amendments