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# Complaints Handling Manual

Review Date September 2018

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**Guardian Securities Limited**

ACN 106 187 731

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# Complaints Handling Manual

Dated 17 September 2018

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## Participants

<b>Company</b>	<b>Guardian Securities Limited ACN 106 187 731 (GSL)</b>
<b>Authorised representatives and employees</b>	<b>Various Authorised representatives (ARs) and employees</b>
<b>External disputes resolution scheme (EDRS)</b>	<b>Australian Financial Complaints Authority (AFCA)</b>

## Background

- A The Company has created a complaints handling manual to ensure all complaints are handled in accordance with its obligations under its Australian financial services licence.
- B Authorised representatives and employees appointed under GSL's licence must adhere to be processes and requirements contained within the complaints handling manual.
- C GSL is obliged to maintain membership to an external disputes' resolution scheme. GSL is a member of the Australian Financial Complaints Authority (AFCA) scheme

## 1 Definitions and interpretations

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### 1.1 Definitions

In this document:

<b>Term</b>	<b>Definition</b>
<b>AFSL</b>	means the Australian Financial Services Licence held by GSL
<b>ASIC</b>	means the Australian Securities and Investments Commission.
<b>AFCA</b>	Australian Financial Complaints Authority
<b>Corporations Act</b>	means the <i>Corporations Act 2001 (Cth)</i> and includes the <i>Corporations Regulations 2001</i> .
<b>Representative</b>	means: (a) an authorised representative, as that term is defined in section 761A of the Corporations Act, of the Company; (b) an employee or director of the Company who provides financial services on behalf of the Company; and

<b>Term</b>	<b>Definition</b>
	(c) any other person acting on behalf of the Company and provision of financial services.

## **1.2 Interpretation**

In this document:

- (a) a singular word includes the plural and vice versa;
- (b) a word which suggests one gender includes the other gender;
- (c) a reference to a clause, schedule, annexure or party is a reference to a clause of, and a schedule, annexure or party to, this document and references to this document include any schedules or annexures;
- (d) a reference to a party to this document or any other document or agreement includes the party's successors, permitted substitutes and permitted assigns;
- (e) if a word or phrase is defined, its other grammatical forms have a corresponding meaning;
- (f) a reference to a document or agreement (including a reference to this document) is to that document or agreement as amended, supplemented, varied or replaced;
- (g) a reference to this document includes the agreement recorded by this document;
- (h) a reference to legislation or to a provision of legislation (including subordinate legislation) is to that legislation as amended, re-enacted or replaced, and includes any subordinate legislation issued under it;
- (i) if any day on or by which a person must do something under this document is not a Business Day, then the person must do it on or by the next Business Day;
- (j) a reference to a person includes a corporation, trust, partnership, unincorporated body, government and local authority or agency, or other entity whether or not it comprises a separate legal entity;
- (k) a reference to 'month' means calendar month; and
- (l) a term used in this document which has a corresponding meaning in the Corporations Act will have the same meaning.

## **2 Purpose and use of this manual**

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### **2.1 Purpose**

This guide explains what GSL must do when managing disputes with members or investors in order to meet ASIC's AFSL requirements.

### **2.2 ASIC's requirements**

- AFS licensees are required by ASIC to have in place a dispute resolution system that consists of:

- internal dispute resolution (IDR) procedures that meet the standards or requirements made or approved by ASIC; and
- membership of one or more ASIC approved external dispute resolution (EDR) scheme/s.

### **3 External disputes resolution membership (EDRS)**

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- (a) Australian financial services licence holders must be a member of an external dispute resolution scheme (EDRS). GSL is a member of the Australian Financial Complaint's Authority (AFCA) which handles external disputes not satisfied by internal dispute resolution procedures.
- (b) GSL maintains an annual membership to an EDRS and their AFCA membership will commence on 1 November 2018.

### **4 Internal disputes resolution policy (IDR)**

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- (a) The purpose of this section is to outline GSL's IDR policy in relation to the process of resolving complaints. This document is to be used as a guideline for authorised representatives, staff and management when handling problems, grievances and disputes. In doing so GSL will:
  - (i) achieve increased satisfaction in the delivery of GSL products and services for their members, agents, providers and third parties;
  - (ii) recognise, promote and protect its member's rights including the right to comment and complain to GSL;
  - (iii) ensure that the framework for resolving complaints is effective, fair and easily accessible both internally and externally;
  - (iv) provide relevant, timely and accurate information on GSL's complaints handling process;
  - (v) monitor and report on all complaints with the intention of improving the quality of their products and services delivery.

### **5 Legislation applying to complaints handling**

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- (a) Corporations Act 2001 and RG 165 July 2015
- (b) AFSL license terms and conditions
- (c) Anti-discrimination Act 1977
- (d) Competition and consumer Act 2010
- (e) Australian Privacy Principles
- (f) International standard AS ISO 10002 – 2014 customer satisfaction – guidelines for complaints handling in organisations

- (g) Anti-money laundering and counterterrorism Act 2008
- (h) Any other relevant legislation/regulation

## **6 Definitions**

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- (a) Complainant -a member, agent, provider or any other third party who makes comments, makes a complaint or provides negative feedback to GSL
- (b) Complaint – any expression of dissatisfaction with the product or service that is offered or provided. The complaint will be classified into level I, 2 or 3 as noted below for recording and reporting purposes.
- (c) Complaint – level I (grievance) – complainant contacts the scheme and expresses concern about any aspect of their membership / investment, however no specific action is required as the scheme rules/policy have been applied correctly. The member is advised of the scheme rules/policy and accepts the explanation provided by the complaint’s handling officer
- (d) Complaint – level II (problem) – complainant contacts the scheme and expresses concern about any aspect of their membership or investment and is not satisfied with the explanation. The complainant requires further action by a staff member to rectify. The complaint has to be referred to a supervisor/manager. Usually a resolution to the issue will be identified and acted upon within 48 hours.
- (e) Complaint – level III (dispute) – complainant contacts the scheme and expresses concern about any aspect of their membership or investment and is not satisfied with the explanation by a staff member or a manager and requires referral to the complaint’s officer.

## **7 Scope**

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### **7.1 Management of complaints**

Without limiting any role or responsibility to adequately manage member/investors complaints each staff member or authorised representative of GSL understands that any complaint must be taken seriously and managed by the appropriate complaints handling officer. As such the scope of the complaints handling process is as follows:

- (a) the policy has application to all employees and authorised representatives working with GSL including senior management and the board of directors
- (b) the policy has application to all problems, grievances, and disputes received from members, investors, agents, providers and other third parties

## **8 Guiding principles**

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### **8.1 Commitment**

GSL’s is committed to ensuring adequate complaints handling procedures are in place at all times to manage any complaint received. GSL is committed to the efficient and fair resolution of all complaints. All levels of staff within the business will acknowledge a complainant’s right to comment and complain. Complaints provide GSL with an opportunity to improve the quality of

their products, services and processes. With this in mind, all levels of staff including authorised representatives will actively seek feedback during team interactions with members or investors and agents and other third parties when a complaint is received.

## **8.2 Visibility of GSL's commitment to customer complaint**

GSL's policy for the resolution of complaints will be publicised in such a way that people are encouraged to make complaints and provide feedback to the business if they feel aggrieved in any way. This policy will be promoted internally for authorised representatives and all staff including senior management and also externally for investors, agents, providers, and other third parties. The policy will be reflected prominently in GSL's printed material such as product disclosure statements, brochures and website publications and where applicable, member satisfaction surveys which are conducted from time to time.

## **8.3 Accessibility**

Individuals or groups wanting to make a complaint will have access to all levels of staff within the scheme. In the first instance a complainant will have contact with a member service officer either by telephone, e-mail or online member services, post, fax or face to face interaction. The member services officer will attempt to resolve the complaint immediately. If the complaint cannot be resolved at this point the member service officer will refer the complaint to the complaint's officer. If the complaint is still unresolved at this point, the complainant shall be made aware of the right to access the external dispute resolution service to whom GSL is required to be a member under the conditions of its Australian financial services licence. However, all contact should first be made with GSL with the intention to seek resolution promptly and satisfactorily.

Complaints may be submitted in a format that is most appropriate and comfortable for the complaining member or investor. As an example, GSL will accept complaints in a format such as a letter, fax, e-mail, face-to-face or by telephone using the toll-free telephone number provided.

GSL recognises the diversity of its membership and investor base and endeavours to resolve complaints by appropriately addressing everyone's needs. GSL will engage specialised services appropriate to the individual to achieve a satisfactory resolution for all parties (as an example: language or interpretative services).

## **8.4 Responsiveness**

GSL respond to complaints in a timely manner following the guidelines below:

- (a) the complainant will be contacted within 24 hours to acknowledge receipt of the complaint and outline the complaints handling processes
- (b) following this initial interaction, the complainant will be contacted within seven days (or at an alternative time agreed to by both parties) to be provided with information as to the progress of the complaints handling procedure;
- (c) contact will be made with the complainant not less than seven days thereafter (or at an alternate time agreed to by both parties) until the complaint is satisfactory resolved:
- (d) when a complaint is referred or escalated during the process of resolution, the complainant will be informed

## **8.5 Charges Or Fees**

Any individual or group may register a complaint with GSL free of charge

## **8.6 Confidentiality**

Personally identifiable information concerning the complainant will be used for the purposes of addressing and resolving the complaint only.

## **8.7 Customer focused approach and continual improvement**

GSL will adopt a customer focused approach, recognising that complaints and feedback provide the business with an opportunity for improvement.

## **8.8 Accountability**

Each GSL authorised representative or employee accepts responsibility for effective complaints handling. The authorised representative or employee with whom the complainant first has contact with has limited authority to resolve a complaint. All complaints must be referred to the compliance officer.

## **8.9 Objectivity**

This policy recognises the need to be fair to the individual or group raising the complaint, the business and also the person against whom the complaint is raised. Each complaint will be addressed in an equitable and unbiased manner through the complaints handling process. The complainant has the right to;

- (1) be heard;
- (2) know whether GSL's relevant product and service guidelines have been followed;
- (3) request all relevant material to support the complaint where this does not breach privacy regulations;
- (4) be informed of the response to their complaint;
- (5) be informed of GSL's decision and the reason for this decision.

# **9 Complaints handling framework**

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## **9.1 Responsibility and authority.**

- (a) GSL's employees or authorised representatives will:
  - (i) be trained in complaints handling
  - (ii) comply with any complaints handling reporting requirements determined by GSL
  - (iii) treat customers in a courteous manner and promptly respond to their complaints or direct them to the appropriate individual to handle their complaint
  - (iv) show good interpersonal and communication skills
  - (v) be aware of their roles, responsibilities and authorities in respect of complaints
  - (vi) be aware of what procedures to follow and what information to give to a complainant

- (vii) notify management of any complaints written or verbal irrespective of the level of complaint.

## **10 Planning and design**

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### **10.1 Objectives**

GSL has established the following complaints handling objectives:

- (1) complaints are resolved by member service officers at the first point of contact in the majority of cases wherever possible
- (2) the need for the escalation of complaint is kept to a minimum and done on an as needed basis
- (3) when the complainant requested separation by management representatives this must be a mandatory referral requirement
- (4) complainants are responded to in a timely manner in accordance with this policy manual
- (5) a target of zero complaints relating to a staff member is the company's goal

### **10.2 Resources**

GSL recognises that employees or authorised representatives are the most valuable resource in the complaints handling process. The scheme will ensure that staff and authorised representatives are adequately trained and provided with sufficient support to handle complaints appropriately.

Training will be provided at the induction stage for authorised representatives and employees and will be updated and reinforced as necessary. All authorised representatives and employees will also receive training at the implementation of this policy or upon subsequent reviews of this policy manual.

Authorised representatives or employees will have authority relevant to their knowledge, experience and capabilities to make decisions in the complaints handling processes. Authorised representatives or employees will take ownership of the complaint when it is received by GSL and subject always to the authority given to them to manage a level of complaint.

GSL will maintain a comprehensive system that will allow for the efficient recording, tracking, monitoring and reporting of all complaints. Authorised representatives and employees will also use this policy as a resource to follow when handling complaints.

GSL will assess the need for other resources such as computer hardware and software, specialist support and finances as required.

## **11 Operation of complaints handling processes Notice**

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### **11.1 Communication**

Information relating to the complaints handling process at GSL will be made available to all complainants in plain language and, as much is possible, in formats accessible to all. The information will include:

- (a) where and how complaints can be made (that is at GSL's offices or at an agent office)
- (b) the information required from the complainant (i.e. details of the complaint)
- (c) process for handling complaints as stated in this policy;
- (d) time periods associated with various stages of the complaint (i.e. our commitment to acknowledge complaints within 24 hours and then respond every seven days until resolved)
- (e) the complainant's options for remedy such as:
  - (i) adjustment – complainant has an adjustment made to a claim that was previously processed in error when adjustment to a contribution payment;
  - (ii) apologies – complainant is tendered an apology due to an error or lack of service, however no compensation/adjustment is required. The apology may be oral or in writing. If an adjustment or other action is taken this will take precedence in coding the action step;
  - (iii) compensation – complainant is offered compensation for wrongdoing by the scheme;
  - (iv) other assistance – complainant is offered non-financial assistance:
  - (v) information – complainant is provided with information that satisfies the request e.g. brochure/clarify a product or benefit/entitlement:
  - (vi) referral – complainant is referred to another agency (as an example AFCA)
  - (vii) other – any other remedy that is not covered above

## **11.2 Receipt of complaints**

Complaints will be immediately recorded by the compliance officer in member/investor complaints register and thereby given an identify code. The record will include the following information:

- (a) description of the complaint;
- (b) requested remedy;
- (c) the product, benefit, service, policy, procedure or process complained about;
- (d) due date for a response (e.g. date is not recorded, response will be required every seven days until the complaint is resolved);
- (e) data relating to the complaint (this information is covered elsewhere in the manual);
- (f) any immediate action that has been taken.

### **11.3 Acknowledgement and initial assessment of complaints**

Complaints will be acknowledged within 24 hours of receipt. At this point an initial assessment of the complaint will be made to determine its severity taking into account factors such as the impact on the business, safety implications and the need for immediate action. The employee or authorised representative will:

- (a) identify themselves;
- (b) actively listen;
- (c) recorded details of the complaint in the complaints register;
- (d) determine what the complainant wants;
- (e) show empathy and be courteous without laying blame on any individual, group or the business;
- (f) explain the proposed course of action and seek agreement

### **11.4 Investigation of Complaints**

All complaints are taken seriously and will be investigated thoroughly

### **11.5 Response to Complaints**

Following investigation of the complaint, GSL will provide the complainant response and remedy as outlined in this manual. The authorised representative or employee is responsible for providing response within the agreed timeframe between themselves and the complainant and subject to delegation of authority in dealing with the complaint.

### **11.6 Tracking complaints**

A complaint is tracked through the member complaints register from the initial receipt to a final resolution. The complainant may contact GSL at any time to obtain an update as to the status of their complaint

### **11.7 Communication of the Decision**

Once a decision has been made, the complainant will be contacted immediately by the most appropriate means for their complaint e.g. letter, fax, e-mail or telephone.

### **11.8 Closing the Complaint**

If the complainant accepts GSL's decision, the agreed action will be carried out and the member's complaints register records updated. Otherwise the complainant does not accept GSL's decision and the complaint will remain open and the complainant will be made aware of their internal and external forms of recourse available to them.

## **12 Maintenance and improvement**

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### **12.1 Collection of Information**

GSL uses a comprehensive and integrated communications system for the collection of data. Communication system captures information about each and every interaction with members, agents, providers and any other third parties including complaints.

### **12.2 Analysis and evaluation of complaints**

GSL uses the data collected for regular monitoring and reporting. The system tracks these interactions in reports are extracted for review on a regular basis and to assist in the identification of improvement initiatives.

### **12.3 Satisfaction with the complaints handling process**

The member satisfaction survey may be conducted annually depending upon the number of complaints received in order to determine if complaints are being handled satisfactory within the terms of this policy.

### **12.4 Monitoring the complaints handling process**

GSL's complaints handling policy will be reviewed on an annual basis as part of the standard annual compliance plan review program.

### **12.5 Auditing of the complaints handling process**

GSL will readily perform audits in relation to the complaints handling process and provide information about conformity with the guidelines set out in this policy and the ability of GSL to achieve its objectives.

### **12.6 Managements review of the complaints handling process**

The GSL management team will review the complaints handling process on a regular basis to:

- (a) ensure its continuing suitability, adequacy, effectiveness and efficiency
- (b) identify and address instances of nonconformity with health, safety, environmental, customer, regulatory and other legal requirement;
- (c) identify and correct product, process and service deficiencies;
- (d) assess the opportunities for improvement and the need for changes to the complaints handling process;
- (e) evaluate potential changes to the complaints handling policy and objectives.

### **12.7 Input to management review:**

The input to management review should include information on:

- (a) internal factors such as changes in the policy, objectives, organisational structure, resources available, and products offered or provided are:

- (b) external factors such as changes in legislation, competitive practices or technological innovation;
- (c) the overall performance of the complaint process, including customer satisfaction surveys and the results of the continual monitoring of the process;
- (d) the results of audits;
- (e) the status of corrective and preventive actions;
- (f) follow up action from previous management review;
- (g) recommendations for improvement.

### **12.8 Output from management review**

The output from the management review should include:

- (a) decisions and actions related to improvement of the effectiveness and efficiency of the complaints handling process;
- (b) proposals on product improvement;
- (c) decisions and actions relating to identified resource needs (e.g. training programs)
- (d) records from management review should be maintained and used to identify opportunities for improvement and resource requirements.