

A guide to conciliation conferences



Our free service can help resolve your complaint without the cost and stress of going to court.

Who we are

The Australian Financial Complaints Authority (AFCA) helps individuals and small businesses to resolve complaints about financial products and services. Our service is fair, free and independent.

Our values

- fair and independent – we will make sure everyone is heard properly
- transparent and accountable – we will explain the reason for the actions that we take
- honest and respectful – we are professional and treat everyone respectfully
- proactive and customer focussed – our services are accessible to everyone



What is conciliation and how can it help me?

Conciliation is one of the methods AFCA can use to resolve complaints and, in our experience, it can be the fastest and most effective way.

We organise a telephone conference call that includes you, your financial firm, and an AFCA conciliator to talk about the complaint in an open and informal way.

We refer to this telephone conference call as a **conciliation conference** throughout this brochure. Most of the conciliation conferences that we do are conducted by phone, although we also do face to face conciliations when appropriate.

Our conciliators are independent and skilled in mediation. Having an experienced person guide the conversation makes it easier for everyone to talk about the complaint.

The aim of a conciliation conference is to try to resolve the complaint by agreement on the day. This doesn't always happen, but we find a conciliation conference can be an effective way for everyone to gain a better understanding of the issues and circumstances.

Most conciliation conferences take between one to two hours, but they may take longer. You can ask for a break at any time.

Who decides if a conciliation conference will be held?

When your complaint is assigned to an AFCA caseworker, they will review the facts of the complaint and decide whether a conciliation conference could help.

If your complaint is about superannuation, we may in some cases require you to attend a conciliation conference. We will do this only if we think it is important that you attend, and we will always talk to you about it first.

Alternatively, you can ask us to organise a conciliation conference. Your financial firm can also request a conciliation conference. We will consider the request and talk to you both about whether this is a useful option for your situation.

Can you tell me more about the conciliation process?

Before the conference call:

- We will contact you and your financial firm to discuss your complaint, confirm the conciliation process and arrange a date and time for the conciliation conference.
 - If we can't reach you, we will choose a date and time and confirm it in writing. If you cannot attend on that date and time, you need let us know as soon as possible.
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During the conference call:

- Early in the conciliation conference we will ask you to summarise your complaint and your financial firm to outline its response.
- The conciliation conference is an opportunity for you and your financial firm to speak directly to each other with the conciliator guiding the conversation.

The conciliator's role:

The conciliator will sometimes, but not always, be the same person who is managing your complaint at AFCA. During the conciliation conference, they will:

- Welcome and introduce everyone.
- Explain their role and the guidelines that need to be followed during the conciliation conference.
- Identify the main concerns in the complaint and set an agenda.
- Invite you and your financial firm to talk about your concerns in more detail. They will help you identify possible options to resolve the complaint, but they will not advocate for either you or your financial firm.
- Speak separately with you and your financial firm to discuss and clarify questions or concerns raised.
- Provide information about alternatives to resolving the complaint if needed (but they cannot provide legal advice).
- Make sure everyone understands what they are agreeing to.
- End the conciliation conference if the process is being misused by anyone.

What is expected of me?

- Participate in the conciliation conference at the arranged time
- Approach the conciliation conference in good faith and with an open mind.
- Be prepared to speak openly about the complaint and your main concerns.
- Make sure you have the authority to resolve the complaint on the day. This might mean getting consent from another person to go ahead with a particular outcome.
- Let us know in advance if exceptional circumstances mean that you cannot take part in the conciliation conference at the organised time, such as a medical emergency.

What happens when an agreement is reached at conciliation?

- We will record the terms of the agreement and provide confirmation in writing afterwards.
- If you have any concerns about the terms of agreement you must contact us within 7 days.
- Sometimes the financial firm will prepare a settlement document for you to sign. This should reflect what was agreed at the conciliation conference. If it doesn't, you should let us know.
- Remember, you do not have to agree to resolve the complaint in a conciliation conference.

What happens if an agreement is not reached at conciliation?

- If you don't reach an agreement in a conciliation conference or after further negotiations, it is likely that we will investigate your complaint further.
- In some cases, we may be able to give you an idea at the conciliation conference about what the outcome of our investigation is likely to be. In other cases, we might need to ask you or your financial firm to give us more information before we can make any decision about the complaint.

Types of outcomes from conciliation

You and your financial firm will decide the outcome of a conciliation conference.

Some examples of possible outcomes are:

- An agreement that resolves the complaint entirely or in part.
- An agreement to provide further information.
- An agreement about how the financial service will be provided to you in the future.
- An agreement to end the financial service provided to you.
- An apology.
- In financial difficulty cases, a repayment arrangement, or an agreed timeframe for the sale of assets which secure the loan, if the loan can't be repaid any other way.

Do I need paid representation?

- You do not need legal representation or any other type of paid support when you take part in an AFCA conciliation conference.
- You can choose to have someone, such as a lawyer, represent you, but any costs incurred are your responsibility.
- If you choose to have a representative, you should still attend the conciliation conference yourself.

Can I have another person present?

You may decide to have someone, such as a family member, partner or friend with you during the conciliation conference. If you choose to be supported by someone, please tell us their name (and phone number, if they are in a different location to you) beforehand.

Is there free help available?

Individuals might qualify for free legal aid or financial counselling assistance. For more information visit the National Legal Aid nationallegalaid.org or call the National Debt Helpline on 1800 007 007 to speak to a financial counsellor. The National Debt Helpline website (ndh.org.au) also has step-by-step guides on how to tackle financial problems.

Pre-conference checklist:

- Check that you are available on the date of the conciliation conference and allow enough time in case the conference goes longer than two hours.
- Think about the key issues in your complaint, what you would like to say and what you would like the potential solution to be
- Think about whether you would like another person to sit in on the conference for support. Make sure the person is available and let AFCA know.
- Consider the complaint from all angles, including from the financial firm's point of view.
- Prepare a copy of all of the documents and correspondence that you might need during the conciliation conference.
- Make sure you have the authority to agree to resolve the complaint on the day. This may mean getting consent from someone else to go ahead with a particular outcome on their behalf.
- Read the AFCA fact sheet *Attending a conciliation conference* (afca.org.au/publications) for a more detailed view of the conciliation process, including how we consider and use the information you provide.





Contact us

**Australian Financial
Complaints Authority**

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(9am to 5pm from Monday to Friday)

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