

# **AFCA Service Complaints and Feedback Policy and Procedure**

August 2020

## Feedback and complaints about our service

The Australian Financial Complaints Authority (AFCA) provides fair, independent and free complaint resolution for consumers and small businesses involving complaints about financial firms.

Sometimes a consumer, small business or financial firm may not be satisfied with how we have handled a complaint. This may be because the outcome is not what they expected or wanted. Other times they may feel that we took too long with deal with a complaint, or we didn't communicate properly. We take concerns about our service seriously and are committed to resolving them. Feedback about our service is also important as it assists us continually review and improve our service.

Any user of our service can provide feedback or complain about the standard of service we provided them.

## Complaints about our service we consider

We review and consider any complaint about the standard of service we provided in the handling of a complaint.

Complaints about our standard of service must be lodged within six months of closure of the related financial firm complaint.

Complaints that are only about the merits or outcome of a complaint, including a determination or jurisdiction decision issued by an AFCA ombudsman, panel or adjudicator, do not come within the scope of our service complaints and feedback process.

Under our Rules, determinations and jurisdiction decisions made by AFCA are final decisions and cannot be reopened or reconsidered for review through our service complaints and feedback process.

Prior to issuing a final decision, we ensure that parties to a complaint are able to submit additional information for consideration before we issue a final decision. Complaint parties can also choose not to accept any preliminary view or assessment we provide, before we issue a final decision.

## How we deal with complaints about our service

Our approach to complaints and feedback about our service is underpinned by the following guiding principles:

### **Honest and Respectful**

We treat people respectfully and we listen and communicate constructively.

### **Fair and independent**

We objectively consider any concerns raised and we are clear and open in our responses.

### **Transparent and Accountable**

We deal with complaints in a timely manner and provide clear outcomes and reasons.

### **Proactive and Customer Focused**

We look at the complaint from the person's perspective and experience. From complaints and feedback about our service we learn and improve how we provide our service.

## How complaints about our service are handled

Our complaints procedure includes:

- 1 A review and response to a complaint about our service. Depending on the nature of the complaint, this may be provided by an AFCA case worker or manager, an AFCA service complaints team member or the Chief Ombudsman and CEO where appropriate.
- 2 Internal escalation of a complaint for further review, if the person complaining remains dissatisfied.
- 3 A final independent review of a service complaint by the AFCA Independent Assessor, if the person complaining remains dissatisfied with the final complaint response we have provided.

## Our procedure for handling complaints about our service

### Lodging complaints & feedback

Feedback about our service (compliment, suggestion or complaint) can be lodged in a number of ways:

Via our website: [www.afca.org.au/what-to-expect/feedback-about-our-service/](http://www.afca.org.au/what-to-expect/feedback-about-our-service/)

By email: [AFCAServiceComplaints@afca.org.au](mailto:AFCAServiceComplaints@afca.org.au)

By phone: 1800 931 678

In writing to:

Australian Financial Complaints Authority,  
GPO Box 3, Melbourne VIC 3001

If you would like to complain about our service or provide feedback by phone, please contact the AFCA staff member who is handling your complaint. They will often be able to deal directly with your concerns and resolve them straight away.

If you don't feel comfortable raising your concerns with the staff member handling your complaint, please contact their manager.

### Acknowledging Complaints

Many concerns or complaints about our service are able to be resolved immediately or within a couple of days after being raised with us. If we can't, however, resolve a complaint within a few days, we will formally acknowledge receipt of the complaint within seven days of receiving it.

### Investigating Complaints

All complaints require full consideration and investigation in order to determine what has happened and what course of action needs to be taken. We want to ensure that we fully consider any issue raised before responding.

If we need further information to ensure that your complaint is fully considered, we will contact you before completing our review to ask for this information. Any further information you provide before we have completed our review and responded will be considered and taken into account.

## Responding to Complaints

We respond to complaints at the first available opportunity. If we can't resolve your complaint immediately, we aim to respond within 28 days after we first receive and acknowledge it.

If we haven't been able to complete our investigation and provide you a response after 28 days, we will contact you and provide an update. Our update will provide the anticipated date that our investigation will be completed and a response provided.

Once the concerns raised in your complaint have been considered we will provide you with a full response which addresses all the concerns raised.

## Complaint resolutions

There are a number of possible outcomes and resolutions to a complaint about our service. These include:

- An explanation about our process and information about how your complaint was handled by us.
- Rectification of an issue you have raised.
- Providing an apology if we haven't met our service standards.
- A change in the way we are handling your complaint.
- Ongoing monitoring of issues.
- Staff training.

Compensation for non-financial loss may be awarded in appropriate circumstances. The maximum amount payable is consistent with the non-financial loss compensation limit for complaints under D.4 of the AFCA Rules.

When we respond to a complaint we will ensure that the response is provided to the person who has lodged the complaint. Our responses may be in the form of a letter, email, or where appropriate by telephone.

## Complaint handling

When we receive a complaint, it is normally considered and responded to by the case worker handling the complaint it relates to, or an appropriate manager. Depending on the nature of the complaint, it may also be dealt with by one of our AFCA Service team members or the Chief Ombudsman and CEO where appropriate.

Where a person lodging a complaint does not feel comfortable in approaching the case worker they have been dealing with, or if it is not appropriate for the case worker to consider the complaint, it will be referred to an appropriate manager for review. Usually this will be the case worker's manager.

## Complaints received by Board members

When a Board member receives a complaint, it will be referred to our AFCA Service complaints team for handling through our standard complaints procedure.

## Independent Assessor review

If you remain dissatisfied with the outcome of your complaint about our service, you can ask for your complaint to be referred to the Independent Assessor to be reviewed. Complaints to the Independent Assessor must be made within three months of AFCA completing its own internal complaints process.

The Independent Assessor is appointed by the AFCA Board and is able to consider a complaint about the standard of service provided by AFCA. This covers all aspects of how AFCA has handled a particular complaint.

The Independent Assessor does not consider the merits or the substantive outcome of a financial firm complaint, such as a determination or other finding issued by AFCA about the merits of a complaint, or our jurisdiction. The role is not an appeal or review mechanism for AFCA's decision and judgements on the facts or merits of a complaint.

AFCA will provide the Independent Assessor with all of its files relating to the service complaint, together with its comments (if any) on the issues raised by the complaint. The Independent Assessor may ask the individual or business who is complaining or AFCA for any further information that the Independent Assessor considers necessary to complete their assessment.

The Independent Assessor will make a recommendation to AFCA and the complainant about the outcome of the complaint. If AFCA does not agree with the recommendation it will be referred to the Board Chair or Board for a final decision.

The Independent Assessor's office only deals with complaints in writing. Complaints can be submitted by using the online form or by post. More information about the Independent Assessor and their Terms of Reference is available at [www.afca.org.au/about-afca/accountability/independent-assessor/](http://www.afca.org.au/about-afca/accountability/independent-assessor/)

## Compliments and suggestions

Your compliments and suggestions will help us review and improve our services. If you require a reply in response to your compliment or suggestion, please let us know.

## Reporting of complaints about our service

We record and report detailed information and data on complaints we receive about our service. This helps us analyse and identify any particular trends or issues and we use this information to review and continually improve our service.

Regular complaint reports are provided to the AFCA Executive and leadership. A quarterly report is also provided to the AFCA Board and ASIC.

The Independent Assessor reports quarterly to ASIC and the AFCA Board.

The Independent Assessor also reports publicly every six months on service complaints received, findings or recommendations made and outcomes achieved. This includes statistics about all AFCA service complaints, whether or not they have been escalated to the Independent Assessor.

## Scope of our Feedback Policy

We apply the definition of a complaint from the Australian/New Zealand Standard AS/NZS 10002:2014 Guidelines for complaint management in organisations as follows:

Expression of dissatisfaction made to or about an organisation, related to its products, services, staff or the handling of a complaint, where a response or resolution is explicitly or implicitly expected or legally required.

Our Feedback Policy also takes into account:

- ASIC Regulatory Guides 267 and 165 / 271
- The Commonwealth Ombudsman Better Practice Guide to Complaint Handling, and
- Our Rules

## Policy Review

Our Feedback policy will be reviewed every 12 months or as appropriate.

**Policy created:** November 2018

**Policy reviewed:** October 2019

**Policy reviewed:** August 2020