

High Level Complaints Handling Process

General Information

ASIC and Lloyds requirements.

We must take a proactive approach to identifying complaints.

As at May 26

When a complaint is received, we will work through this document and change anything that doesn't work or needs improvement.

Lloyd's Complaints Handling Procedures (Australia)

Always refer to the Lloyds Complaints Handling Procedures on their website.

The link below, provides Guidance, Definition of Complaint, Timescales, External Dispute Resolution Information, Notification of Complaint email, Notification Spreadsheet, Templates and the Lloyd's Helpline information.

<https://www.lloyds.com/en-au/resources-and-services/make-a-complaint/complaints-handling/international-complaints-handling/australia>

Do not save any of these documents to your local drives, as they are continually being updated.

Please refer to the "Lloyds Australia Complaints. Handling Lloyd's Australia Complaints at Lloyds: Guidance for managing agents and their representatives

[https://assets.lloyds.com/media/cddead0d-a308-41d7-87eb-6328ae7d06dd/Complaint%20Handling%20Guidance%20Note%20-%20Australia%20v1.6%20\(JUN21\).pdf](https://assets.lloyds.com/media/cddead0d-a308-41d7-87eb-6328ae7d06dd/Complaint%20Handling%20Guidance%20Note%20-%20Australia%20v1.6%20(JUN21).pdf)

Complaints

The definition of a **Complaint** under ASIC instrument:

"An 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 implicitly expected or legally required. "

A consumer does not need to expressly state the word 'complaint or dispute to trigger IDR procedures.

Dissatisfaction or claimants can be:

- Posts on a social media channel owned or controlled by Aspect / McLardy McShane Partners, where the author is both identifiable and contactable (ie: expressions of dissatisfaction on our Instagram or LinkedIn pages).
- Complaints about a matter that is the subject of an existing remediation programme, or about the remediation programme itself (for example, complaints about delays in remediation payments)
- Complaints about the handling of an insurance claim.

When a Complaint or a Dispute comes in, please address it urgently. We have timeframes and requirements that must be meant. Engage with McLardy McShane partners as soon as you become aware of a complaint from or a dispute with a client.

The definition of **an eligible complainant** is:

‘A person or small business. It includes, at a minimum “an individual consumer or guarantor” and a ‘small business’ as defined by s761G of the Corporations Act. In addition, the Australian Financial Complaints Authority (AFCA) has jurisdiction to review complaints from the following:

- a) an individual or individuals (including those acting as a trustee, legal personal representative or otherwise);
- b) a partnership comprising of individuals – if the partnership carries on a business, the business must be a Small Business;
- c) the corporate trustee of a self-managed superannuation fund or a family trust – if the trust carries on a business, the business must be a Small Business;
- d) a Small Business (whether a sole trader or constituted as a company, partnership, trust or otherwise);
- e) a club or incorporated association – if the club or incorporated association carries on a business, the business must be a Small Business;
- f) a not-for-profit organisation or club – if it carries on a business, the business must be a Small Business unless the not-for-profit organisation or club is also a charity registered with the Australian Charities and Not-for[1]Profits Commission;
- g) a body corporate of a strata title or company title building which is wholly occupied for residential or Small Business purposes; or
- h) the policy holder of a group life or group general insurance policy, where the complaint relates to the payment of benefits under that policy.

In relation to:

- (i) Retail General Insurance Policy (i.e. home, motor, sickness & accident, travel and personal and domestic property, including valuables, pleasurecraft, caravans, fine art, farm etc;
- (ii) Residential Strata Title Insurance Product; and
- (iii) Small Business Insurance Product, defined by the Rules (currently excluding cover in relation to Contractors All Risks, Fidelity Guarantee, Legal Liability, Professional Indemnity and Industrial Special Risks). NB Small Business means a business employing under 100 employees.’

Review any social media on a daily basis to identify any complaints.

Lloyd’s Complaints Handling Procedures (Australia)

Please refer to the “Lloyds Australia Complaints Handling Process Flow (Standard)

[https://assets.lloyds.com/media/e0c8b260-8463-4eaa-94f0-05e5301063f3/Complaints%20Handling%20Process%20Flow%20\(Standard\)%20v1.6.pdf](https://assets.lloyds.com/media/e0c8b260-8463-4eaa-94f0-05e5301063f3/Complaints%20Handling%20Process%20Flow%20(Standard)%20v1.6.pdf)

Below is a summary of the timings to be adhered to when handling a Complaint.

Acknowledgement of a complaint

ASIC expects licensees (McLardy McShane Partners - MMP) to acknowledge the complaint within 24 hours (or one business day) of receiving it, or as soon as practicable. We may acknowledge a complaint verbally or in writing (email, post or social media channels).

When a complaint is received, Aspect should phone the complainant if possible and follow up with an email advising who is looking after the Complaint.

Lloyds UK Complaints Team notified

We must provide Lloyds with notification via the Notification Spreadsheet within 5 (five) business days of receipt of the Complaint.

Completion of Stage 1

Stage One review is due within 10 (ten) business days and if not completed, escalated to Lloyd's for Stage Two review, unless entity reviewing complaint requests an extension from Lloyds Australia and provides update to the complainant.

Updates

Must be provide an update at least every 10 business days to the complainant, unless otherwise agreed.

Maximum timeframe – standard complaints

The time-frame for providing a response to an insurance-related complaint is no later than 30 calendar days after receive the complaint.

Delays are permissible if the complaint is complex or circumstances are beyond our control, buyer must inform the complainant, and their right to complain to ASIC if they are dissatisfied.