

Complaints Handling Policy

Obligation

Professional Wealth Services Pty Ltd provides financial services to retail clients and is therefore obligated under s912A(1)(g) to have a dispute resolution system.

The requirements of the dispute resolution system are stated at s912A(2).

Professional Wealth Services Pty Ltd must have a dispute resolution system that consists of:

- **internal dispute resolution** (IDR) procedures that comply with standards and requirements made or approved by ASIC and that cover complaints made by retail clients about the financial services provided; and
- membership of the Australian Financial Complaints Authority (AFCA) which is approved by ASIC that covers complaints made by retail clients in relation to the financial services provided.

'Retail clients' are defined in defined in s761G and related regulations.

942B(2)(h) requires that the Financial Services Guide presented to retail clients contain information about the dispute resolution system and how that system may be accessed.

Expectation

ASIC sets out its expectations for dispute resolution systems in Regulatory Guide 165 [RG 165] *Licensing: Internal and external dispute resolution which is effective until 05/10/2021 thereafter RG 271 Internal dispute resolution (IDR) comes into effect. Both of these guides should be read in conjunction with [Regulatory Guide 267 Oversight of the Australian Financial Complaints Authority \(RG 267\)](#).*

ASIC expects that internal dispute resolution contain the essential elements from Section 2 of ISO 10002:2006: Complaints handling. This includes the definition of what a complaint is, which in essence means any expression of dissatisfaction (whether having merit or not) in which the complainant seeks a remedy. In addition, an expanded definition is now prescribed by RG271 as "any 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".

Under the expanded definition of a "complaint", expressions of dissatisfaction that are made about an organisation and its staff will therefore constitute a complaint.

ASIC has stated that it expects us to take a proactive approach to identifying complaints. Further, ASIC states that a client or small business should not be required to put their complaint in writing or use the words "complaint" or "dispute" in order to trigger our IDR process.

RG 271 provides that certain expressions of dissatisfaction will meet the definition of a complaint including "posts (that meet the definition of 'complaint'....) on a social media channel or account owned or controlled by us that is the subject of the post, where the author is both identifiable and contactable." Accordingly, we will need to monitor any social media channels that we own or control so as to identify and manage complaints made by clients and small businesses in that way.

ASIC has noted that it does not consider feedback provided in surveys or reports that are intended only to bring a matter to our attention to be complaints.

Other expectations of ASIC as prescribed by RG271 are:

All complaints must be recorded

We are required to have an effective system for recording information about complaints so as to enable us to keep track of the progress of each complaint we receive. We undertake this by recording complaints in our Complaints Register which is available at our PWSSecure drive.

We are also required to provide reports about complaint data on a regular basis to senior management and the board. We do this by having Complaints received as an Agenda item on our quarterly Compliance Committee Meetings and tabling of our Complaints Register at that meeting as appropriate.

Acknowledging complaints

Whilst not an enforceable provision of *RG 271*, ASIC states its expectation that we will acknowledge receipt of all complaints within 24 hours (or one business) day of it being received, or as soon as practicable.

ASIC says that we should take into account the method by which the complainant chose to make their complaint and any preferences expressed by the complainant when deciding whether to acknowledge the complaint verbally or in writing.

Systemic issues

A systemic issue may be identified via our IDR process. A systemic issue is an issue (for example, of a systems or process nature) that affects, or has the potential to affect, more than one client.

RG 271 requires our board to set clear accountabilities for complaints handling functions, including the management of systemic issues that are identified through the IDR process. It also requires that reports provided to the board (or executive committees) include metrics and analysis of consumer complaints including systemic issues identified via those complaints.

Whilst not an enforceable paragraph of *RG 271*, ASIC sets out its expectation that where a systemic issue is identified via our IDR process, that we will take prompt action to address the issue identified, and initiate a remediation process for affected clients.

Accessibility

Our IDR process must be free to consumers, and we must provide a complainant with information explaining our IDR process at no cost. This includes having a publicly available and readily accessible, complaints policy, and an internal complaints management procedure.

We must ensure that our IDR process is easy to understand and use, including by those with a disability or language difficulty.

Our IDR process must also be adequately resourced at all times (including where there are spikes in complaint volumes) so that it operates fairly, effectively and efficiently, and so that complaints can be dealt with within the maximum prescribed IDR time frames.

If we delegate our complaints handling to staff, then they must be appropriately authorised to resolve complaints and implement the complaint outcomes. In addition, complaint outcomes must be implemented in a timely fashion where a complaint is closed.

Health and safety of complaint staff

Staff dealing with complaints may, at times, face challenging complainant behaviour.

Whilst not an enforceable provision of *RG 271*, ASIC states that we have in place health and safety policies to support our staff who are involved in the management of complaints. ASIC suggest that such policies may include:

- Policies and procedures for managing unreasonable conduct by complainants.
- Protecting staff identity where necessary.
- Providing access to debriefing sessions or employee assistance programs.

Membership of AFCA

From 1 September 2018, the Australian Financial Complaints Authority (AFCA) is the sole EDR scheme to be used and accordingly PWS has membership of that scheme.

Commitment

Professional Wealth Services Pty Ltd is committed to the efficient resolution of complaints received in relation to the services that are offered by our organisation, and its representatives and staff.

Professional Wealth Services Pty Ltd understands that complaints can be a valuable source of information and can assist our organisation to improve the manner in which we deal with our clients. Therefore, all current complaints will be reviewed at a quarterly Compliance Meeting to ensure systemic problems are addressed and are prevented from recurring in the future.

Professional Wealth Services Pty Ltd recognises the importance of the complaints handling process. It is important that any complaints are handled in the correct manner in order to protect the reputation of our organisation, representatives and staff and to build client confidence in us as a

financial advice provider. Our complaints handling procedure will be reviewed on an annual basis to ensure that it continues to address requirements.

Responsibility

Don Jeffers or his delegate has been charged with the responsibility of handling complaints and the dispute resolution process and is authorised to approve remedies for a complaint.

Remedies may include full or partial fee refunds, additional information referral, financial assistance or compensation. Under no circumstance, can any other representative or employee offer remedies to clients to resolve disputes unless authorised to do this by Don Jeffers.

Professional Wealth Services Pty Ltd is committed to providing a complaints handling system that:

- recognises, promotes and protects clients' rights, including the right to complain;
- supports a positive attitude amongst its staff and representatives towards Professional Wealth Services Pty Ltd clients and complaints handling.
- provides information to clients on the complaints handling process via the distribution of a Financial Services Guide; and
- monitors complaints in order to improve the quality of service to its clients.

Review

The complaints handling process will be subject to annual review to ensure its efficiency in delivering the most effective outcomes.

Complaints Handling Procedure

1. Complaints can be received via various methods of communication. Complaints can be received by letter, telephone, email, facsimile or in person to a member of staff. Professional Wealth Services Pty Ltd has simple and accessible arrangements for making complaints. As noted above, complaints do not need to be in writing. However, it is recommended that all clients are encouraged to confirm their complaint by email or otherwise in writing and signed by the client if possible. This protects us from the potential of the complaint to change in scope during the resolution process and assists in the proper recording of the complaint in our Complaints Register.
2. Client complaints received should be forwarded immediately to Don Jeffers or to his delegate.
3. Within 1 working day of receiving a complaint, the details will be entered into the Client Complaints Register.
4. Within 24 hours of receipt, the client will be informed in writing that Professional Wealth Services Pty Ltd has received their complaint. An indication of the expected timeframe to resolve the dispute through further discussions or investigation will be provided. Advice on the complainant's right to seek remedy through AFCA, if the dispute can not be resolved internally, will be provided.
5. Professional Wealth Services Pty Ltd will notify the Professional Indemnity Insurers, if appropriate.
6. If Don Jeffers or his delegate meets with the client, they are to calmly discuss the situation and take detailed file notes of the conversation that takes place. Empathise with the client and do not be defensive about their claims. At no time should liability be admitted during discussions with the client.
7. Professional Wealth Services Pty Ltd will respond to the complaint and confirm the following:
 - The final outcome of the complaint at IDR.
 - Where we has rejected or partially rejected the complainant's claims, the IDR response must set out the reasons for our decision by identifying and addressing the issues raised in the complaint, setting out our findings on material questions of fact and referring to the information that supports those findings and providing enough

detail so that the complainant is fully informed when deciding whether to escalate the complaint to AFCA.

- That the complainant has the right to escalate their complaint to AFCA if they are not satisfied with the financial firm's IDR response and
- AFCA's contact details.

8. All complaints will aim to be resolved within 30 calendar days of the complaint being received. Clients are to be informed of this time frame at the time they lodge their complaint.

Sometimes, despite our best efforts, additional time may be required in order to provide a complainant with an IDR response that meaningfully addresses their complaint.

RG 271 provides that we may have additional time to provide an IDR response but only where there is no reasonable opportunity for us to provide the IDR response within the prescribed timeframe because:

- Resolution of the complaint is particularly complex
- Circumstances are beyond our control are causing delays in the management of the complaint.

In such cases, before the prescribed time frame for responding to a complaint expires, we will provide the complainant with a delay notification that sets out the reasons for the delay, the complainant's right to escalate the complaint to the Australian Financial Complaints Authority (AFCA) and AFCA's contact details.