

6.3.2 COMPLAINTS POLICY [REF: 6.3.2]	June 2016
Developed by: Juliet Burton	
Authorised by: Board of Directors	Issued To: All staff

Objective

The objective of this policy is to ensure that complaints are resolved in an efficient and professional manner, in accordance with the prevailing legal and regulatory requirements.

It is Capital Guardians policy to promote the highest standard of service to our clients. Capital Guardians endeavours to ensure that all complaints are resolved satisfactorily and in a timely manner.

This policy provides guidance to Capital Guardians staff and clients on the interpretation and application of dealing with client complaints in accordance with the Australian Standard AS ISO 10002 - 2006 – Customer satisfaction – Guidelines for complaints handling in organisations.

What is a 'Complaint'?

The above Standard defines a complaint as:

"an expression of dissatisfaction made to an organisation, related to its products, or the complaints-handling process itself, where a response or resolution is explicitly or implicitly expected."

Capital Guardians' Complaints Handling Policy seeks to demonstrate the following characteristics:

Commitment

Capital Guardians is committed to efficient and fair resolution of complaints and the delivery of professional management services. Capital Guardians strives to ensure that it fulfils its obligations to its clients on time, with care and a high degree of service. Capital Guardians acknowledges clients rights to complain and actively solicit feedback from clients.

Fairness

Capital Guardians recognises the need to be fair to both the complainant and the organisation or person against whom the complaint is made. Capital Guardians recognises that from time to time, mistakes or oversights may occur, or that users of our services may dislike or be affected by the service we have provided, although we strive to avoid this occurring.

Resources

Capital Guardians has adequate resources for complaints handling with sufficient levels of delegated authority. Capital Guardians further identifies the need for complaints to be reviewed by someone in an independent position (i.e. someone who was not involved in the matter complained about).

Complaints are initially reviewed by the relevant General Manager or Head of Business Unit and finally reviewed and recorded by the Compliance Manager (as the Complaints Officer).

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Visibility

Capital Guardians' complaints handling policy and procedures will be available on our corporate website www.capitalguardians.com.au for clients and all staff. The policy and procedures is available to all staff via the intranet under Company Policies in the Compliance Department section.

Accessibility

Capital Guardians' complaints handling policy and procedures is accessible to all clients and staff and ensures that information is readily available on the details of making and resolving complaints. The complaints handling process and supporting information is easy to understand and is in plain language.

Responsiveness

Complaints shall be dealt with quickly and the complainants shall be treated courteously.

Objectivity

Each complaint should be addressed in an equitable, objective and unbiased manner through the complaints handling process.

Charges

There will be no charge to the complainant, to lodge a complaint, subject to statutory requirements.

Confidentiality

Information identifying the complainant/customer will be used to address the complaint and will be protected from disclosure unless express permission is granted by the complainant/customer.

Customer focus

Capital Guardians adopts a customer focused approach and is open to receiving feedback to demonstrate its commitment to resolving complaints.

Accountability

Capital Guardians is accountable for and reports to the Board for its actions and decisions with respect to complaints handling.

Assistance

Through the services of our Complaints Officer, Capital Guardians will offer assistance to complainants in the formulation and lodgement of complaints.

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Remedies

Capital Guardians' Complaints Handling Policy has the capacity to determine and implement remedies.

Data Collection

Complaints and outcomes will be recorded in our Complaints Register by the Complaints Officer.

Systemic and Recurring Problems

Complaints may be classified and analysed for the identification and rectification of systemic and recurring problems.

Reviews

Our Complaints Handling Policy is reviewed regularly. The policy and procedures is measured against documented performance standards, e.g. Australian Standard AS ISO 10002 - 2006: Customer satisfaction – Guidelines for complaints handling in organizations.

2. Complaints Procedures

Why deal with complaints?

People are the key to Capital Guardians' success. Capital Guardians offers a service, not a product orientated business - if people are dissatisfied with Capital Guardians' services and they let enough of their friends and colleagues know, Capital Guardians' business reputation is affected, Capital Guardians' income may decrease, and in the worst case scenario, the company may lose its clients and impact it's sustainability.

Legislation governing the provision of some of Capital Guardians' services gives clients certain rights to have their complaints considered by external complaints resolution schemes if the complaint cannot be dealt with satisfactorily internally.

This complaints policy and procedures establishes a process for dealing with complaints as they arise.

Receiving a Complaint

Complaints received under this policy and procedures should (wherever possible) be received in writing (including email, facsimile and letter). Verbal complaints will be accepted under this policy.

- All written complaints need to be digitally filed in the complaints register, 3.8 of the Quality Management System, with an action item registered on the clients account within Capital Guardians management system.
- All verbal complaints need to be immediately registered within Capital Guardians management system, and an appropriate action item selected.

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As a general rule all complaints should be dealt with according to the following process:

- A** Answer each call in a positive way, identify who you are;
- L** Listen to what the client has to say, confirm and record details of the complaint in the capital guardians management system;
- E** Empathise with what the client is saying (but do not admit liability);
- R** Resolution – offer the client a resolution to the situation (within appropriate guidelines);
- T** Terminate the call in a positive manner.

Written Complaints - Procedure

A written complaint should clearly state:

- The exact nature of the dissatisfaction with the product / service; and
- Any financial loss incurred.

The complaint letter should be addressed to:

email: complaints@capitalguardians.com

postal:

The Complaints Officer
Capital Guardians
10/585 Little Collins Street
Melbourne Victoria 3000

Verbal Complaints – Procedure

- Identify who you are, listen, record details and determine what the complainant wants;
- Confirm the details received;
- Empathise with the complainant in a courteous manner;
- Explain the possible remedies available;
- Do not attempt to lay blame or be defensive;
- Resolve the complaint if possible or commit to doing something immediately, irrespective of who will handle the complaint;
- Refer the complainant's details to the appropriate person;
- Check the consumer is satisfied with the proposed action, and if not, advise on the alternative course of action;
- Always keep a record / file note of the conversation with the client and record details of the complaint in the capital guardians management system.

Complaints – General Procedure

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For verbal and written complaints, an acknowledgement email/letter should be sent as soon as practical, usually within 1 (one) business day.

- Complainant's issue will be referred to the person most appropriate to handle the complaint;
- The complainant's issue will be recognised with a follow-up telephone call or letter by the person responsible for complaints in the relevant business unit;
- The person responsible will investigate the matter. This may involve collection of information or written documents from the business unit(s) responsible, discussion with the relevant Business Unit head or General Manager, or legal advice if required;
- If the resolution of the complaint is likely to be protracted, tell the client in advance that investigations are continuing and may take a few weeks to resolve;
- Client complaints may be able to be dealt with quickly – the client may simply be after an apology;
- Monetary claims for allegations of incompetence, or breaching contractual or legal obligations refer to relevant Business Unit head or General Manager or the Compliance Manager.

Mandatory advice to the Compliance Manager

All complaints and copy responses must be advised to the Compliance Manager for inclusion in the Complaints Register.

3. Outcomes

Where a complaint is able to be satisfied (i.e. apology, further information, return of investment without penalty to company or client), email/write to client as soon as practicable, usually within 14 days (see section 8 – Remedies for Resolving Complaints).

Where client is seeking monetary compensation, additional interest, reduction of fees for service, damages, refer to the relevant contract or instrument underlying the service to them to determine if it can be paid and whether it is justifiable.

If the claim is not able to be resolved satisfactorily, write to the client explaining what the outcome was, and why that outcome was reached. Refer to relevant Business Unit head or General Manager or the Compliance Manager if the matter is contentious or likely to amount to an admission of guilt.

If the unresolved matter is tied to the service offered and with other "Australian Government subsidised aged care services" parties involved being included, the complainant will be referred to the Aged Care Complaints Scheme (the Scheme), under the Complaints Principles 2011 made under the Aged Care Act 1997.

If the matter purports to relate to the provision of advice, the client must be advised that they may take their complaint to the Financial Ombudsman Service (FOS). They must also be given information about how to contact FOS and any monetary limits that may apply. Advise the Compliance Manager.

If the matter proceeds to a FOS, Aged Care Commissioner, Commonwealth Ombudsman hearing or further legal action is taken, notify the Compliance Manager who will contact the company insurer.

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Prepare for hearing or determine if legal advice is required in relation to liability issues.

Record details of complaint, outcomes, and report any adverse findings to the Board.

The Complaints Officer must be advised / consulted on proposed remedies. The resolution of the complaint should consider all aspects of the complaint; follow-up where appropriate and even consider whether it is appropriate to offer remedies to others who may have suffered in the same way as the original complainant but did not make a formal complaint.

4. External Dispute Resolution Services

Contacting the Aged Care Commissioner:

Phone 1800 550 552 (a free call from fixed lines; calls from mobiles may be charged)

Fax (03) 9665 8026

Email info@agedcarecommissioner.net.au

Website www.agedcarecommissioner.net.au

Contacting the Commonwealth Ombudsman:

Phone 1300 362 072 (calls from mobile phones at mobile phone rates)

Fax (02) 6276 0123

Email ombudsman@ombudsman.gov.au

SMS 0413 COM OMB (0413 266 662) (standard carrier rates apply)

Postal GPO Box 442, CANBERRA ACT 2601

Financial Ombudsman Service (FOS)

Phone 1300 78 08 08

Fax (03) 9613 6399

Email info@fos.org.au

Postal GPO Box 3, Melbourne, Victoria 3001

Web www.fos.org.au

6. Compliance

As a financial services provider, Capital Guardians is placed in a particular position of trust with respect to its clients.

Clients come to Capital Guardians for the provision of services because they trust us with their money, and expect us to be able to account to them for it. Capital Guardians clients range from individuals and their families, to large corporate organisations. Each of our clients places demands on us and expects us to deliver the services we promise without risk to themselves or their business.

At Capital Guardians, how we conduct that service is governed by a number of factors:

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- Legislative requirements which may relate to such things as prudential requirements, disclosure and reporting, how we keep accounts, and what fees or charges we are able to levy for our services;
- Trust management rules or ethical standards of the Institute of Chartered Accountants Australia ("ICAA") with which we must comply; and
- General trust law principles, which require us to act in the best interests of our clients.

Compliance with the requirements imposed by general trust law, legislative requirements, and rules adopted by the ICAA is something that we take very seriously.

Compliance at Capital Guardians is reflected in the following:

- A management structure which has a clearly delegated line of authority and a department head in each business unit who is ultimately responsible for his or her team's compliance in that area;
- Separate areas responsible for managing and transferring money (i.e. external payments of cash V's moving between accounts);
- The adoption and use of manuals in critical areas, such as the administration of common funds, which encourage Capital Guardians to administer that service in accordance with legislative requirements and the constituent documents;
- Training in the use of those manuals and the relevant subject area;
- Employment of staff with appropriate experience to undertake appropriate responsibility;
- Ongoing training in specified areas as requested;
- The employment of an external auditor who tests to see whether each area is run in accordance with its operating manuals or is otherwise exposed to risk;
- The oversight of a compliance manager who can assist with compliance related matters or breaches; and
- Access to external lawyers where formal legal advice or assistance is required.

7. Complaints Register

The Complaints Register is maintained by the Compliance Manager (as Complaints Officer).

Retention

The Register is retained for 7 years and records every complaint formally considered by Capital Guardians.

Information to be recorded in the Complaints Register

The following information must be recorded:

- The date and method of receipt of complaint;
- The relevant Business Unit and product type/cause giving rise to the complaint;
- The nature of the complaint;
- The date and person responsible for reply;
- Required action and resolution time frame; and

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- Status report.

The Complaints Register and a brief summary of new issues and complaints are provided to the Board on a monthly basis as part of the Compliance Report.

8. Remedies for Resolving Complaints

Possible remedies for resolving disputes include:

- Apology;
- Financial assistance;
- Provision of free services;
- Reduction or refund of fees paid;
- Compensation;
- Disciplinary action against staff member;
- Mediation;
- Technical or other assistance;
- Additional information; and
- Token or gesture of good will.

The Complaints Officer must be advised / consulted on proposed remedies. The resolution of the complaint should consider all aspects of the complaint; follow-up where appropriate and even consider whether it is appropriate to offer remedies to others who may have suffered in the same way as the original complainant but did not make a formal complaint.

9. Maintenance and improvement

Collection of information

Capital Guardians has established procedures for recording complaints and responses and for using these records and managing them, while protecting any personal information and ensuring the confidentiality of complainants as appropriate.

Analysis and evaluation of complaints

All complaints should be reviewed and analysed to identify systematic, recurring and single incident problems and trends, and to help eliminate the underlying causes of complaints.

Continual improvement

Capital Guardians seeks to continually improve the effectiveness and efficiency of the complaints-handling process. This can be achieved through corrective and preventative actions and innovative improvements. Capital Guardians seeks to take action to eliminate the causes of existing and potential problems leading to complaints in order to prevent recurrence and occurrence, respectively.

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The Auditor may from time to time audit the complaints handling system to ensure that it is operating to regulatory and best practice standards.