

# Safeguard Solutions - Internal 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. Complaints do not need to be in writing as, in some cases, insisting that complaints are in writing can be a disincentive to the Complainant. However, it is recommended that all complaints once received are confirmed formally in writing and signed by the client in order to prevent a possible change in scope during the resolution process.
2. Client complaints received should be investigated and resolved within 5 business days if possible.
3. If it becomes apparent that you are not able to resolve the complaint to the client's satisfaction within 5 business days, you must notify John Hamilton immediately and provide him with all the relevant information. Where a complaint relates to John Hamilton it is to be forwarded to Paul Stevens.
4. John Hamilton will forward acknowledgement of receipt of the complaint to the client and will ensure a final response is provided to the client with 45 days (or such longer period allowed as noted in point 7 below).
5. Where complaints are received and resolved by the end of the 5<sup>th</sup> business day after the day on which the complaint was received, the complaints are not required to be documented and recorded. Documented responses to clients are not required unless requested. But at the very least, details will be recorded within the Incidents Register to help Safeguard identify trends. The rest of this procedure would not be applicable.
6. Complaints that have not been resolved within 5 business days will be recorded within the Complaints Form and entered into the Complaints Register.
7. An assessment needs to be made on Safeguard's ability to respond to the dispute based on the complexity and quantum of issues, the availability of documents and relevant parties to enable the complaint to be investigated, considered and responded to. Safeguard must determine whether sufficient "special circumstances" apply to the complaint for Safeguard to seek to apply to AFCA for an extension of time to provide an IDR response in accordance with AFCA's Operational Guidelines to the Rules clause A.5.3. Where such special circumstances exist, the application for extension should be made as soon as possible.
8. Safeguard should confer with legal counsel in relation to the handling of any dispute resolution issues, including but not limited to, considering whether the complaint highlights any matters that require internal remediation by Safeguard including:
  - notification to ASIC under the provisions of section 912D of the Corporations Act 2001 (i.e. significant breach notification to ASIC); and
  - the need to notify Safeguard's professional indemnity insurer.
9. Safeguard must obtain and review all relevant material prior to making a determination in relation to the complaint.
10. Generally, the complaint should be resolved within 45 days of receipt of complaint, or longer if permitted by AFCA as noted on point 7.

11. If John Hamilton or Paul Stevens 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 the client's claim. At no time should liability be admitted during discussions with the client.
12. All communications between Safeguard and the Complainant, as well as between Safeguard and AFCA must be provided to the professional indemnity insurer for their input and consent, prior to being sent to either the Complainant or AFCA. This should be co-ordinated by John Hamilton, Paul Stevens or Safeguard's legal counsel.
13. At the conclusion of the internal dispute resolution process, a written determination (the "**IDR Determination**") should be sent to the Complainant within 45 days (or such later time as agreed by AFCA) of receipt of complaint, or as soon as possible thereafter, outlining the proposed course of action or settlement of the complaint. The IDR Determination should, prior to being sent to the Complainant, be sent to Safeguard's professional indemnity insurer for their comment or feedback. This letter must be signed by John Hamilton or Paul Stevens. The written determination must contain reference to the fact that if the Complainant is dissatisfied with Safeguard's determination the Complainant has a right to refer the matter to AFCA. Reference to AFCA in this communication must comply with the format prescribed by AFCA and communicated to Safeguard from time to time.