

## Practice, Policy and Procedure

### 4.08 COMPLAINTS - INTERNAL DISPUTE RESOLUTION

#### 1. Introduction

This Internal Dispute Resolution policy is to be used in relation to disputes with Complainants before the Australian Financial Complaints Authority (“**AFCA**”) becomes involved. It contains:

- comments about Internal Dispute Resolution (“**IDR**”);
- the IDR Procedures to be followed when a dispute arises with a Complainant, which procedures have been issued by AFCA; and

#### 2. What is IDR?

When a complaint is made by a consumer against Spondooli, the complaint must be dealt with internally by Spondooli in accordance with this IDR Policy. The IDR Procedures are designed to assist Spondooli and the consumer to agree between ourselves on a mutually acceptable outcome to the complaint. These IDR Procedures are mandatory and are designed to ensure consistency with regard to the handling of complaints.

#### 3. Who can make use of the IDR Procedures?

The Spondooli IDR Procedures are available to any person who has had a dealing with Spondooli.

#### 4. What kind of complaints are covered by the IDR Procedures?

A Complainant may make a complaint for the purposes of these IDR Procedures if they believe that Spondooli has:

- breached the law (or duties imposed by the law);
- did not give effect to a right provided by the law;
- breached an applicable code of practice;
- not met the standards of good practice in the finance industry; or
- acted unfairly towards the Complainant.

#### 5. why Spondooli has adopted this policy

These IDR Procedures give Spondooli the opportunity to:

- build or re-build a business relationship with the Complainant;
- ensure that the good name and reputation of Spondooli are not tarnished by misunderstandings or minor mistakes that go uncorrected;
- address minor problems early so they don't develop into major disputes;
- resolve a problem before it gets to AFCA, so Spondooli does not have to pay any fees to AFCA; and
- resolve a problem before it goes to court, to avoid needless legal expenses.

#### 6. who to contact

If you are not sure what to do or just want some help with IDR, you should contact James Woods, the Executive Chairman of Spondooli by email on [disputes@spondooli.com.au](mailto:disputes@spondooli.com.au).

## 7. the idr procedure

7.1 Spondooli will comply with these IDR Procedures.

### **Appointment of a Dispute Resolution Manager**

7.2 Spondooli must appoint a Dispute Resolution Manager who must be a director or other officer or senior employee.

The Dispute Resolution Manager is a person who:

- 7.3
- has sufficient knowledge and experience in relation to the business and products of Spondooli so as to adequately understand a complaint; and
  - has sufficient authority from Spondooli to make decisions about a complaint which are binding on Spondooli.

7.4 Spondooli must ensure that at all times there is one or more Deputy Dispute Resolution Manager who meets the criteria for appointment of Dispute Resolution Manager as stated above. The Deputy Dispute Resolution Manager must be able to act in place of the Dispute Resolution Manager as may be required from time to time.

7.5 Spondooli must keep AFCA informed of any changes to the Dispute Resolution Manager and deputy Dispute Resolution Manager.

### **Staff awareness of IDR Procedures**

7.6 Spondooli will need to ensure that all staff who deal with or who are likely to deal with a Complainant:

- (a) are aware of the name, title and telephone number of the Dispute Resolution Manager and each deputy Dispute Resolution Manager;
- (b) have been given written instructions about how to transfer a Complainant who has a complaint to your Dispute Resolution Manager or deputy Dispute Resolution Manager; and
- (c) have been given written instructions about what details to record if the Dispute Resolution Manager or deputy Dispute Resolution Manager is for any reason unavailable (this information to include, as a minimum, the Complainant's name, telephone number and description of the product or transaction to which the complaint relates).

### **How does a Complainant make a complaint?**

7.7 A Complaint must be in writing unless there is some particular reason that the Complainant cannot do this. No specific form is required. A Complaint may be presented by any reasonable means, for example letter, fax, or email. Use of the link on the Spondooli website is preferred.

7.8 Spondooli must not charge a fee for the Complaint.

A Complainant should be given a fair and reasonable opportunity to make out their case. In doing so, Spondooli should consider the Complainant's:

- 7.9
- (a) age;
  - (b) physical or mental disability;
  - (c) experience (or lack of) in financial matters; and
  - (d) language difficulties.

### **Complaints Register**

- 7.10 The Dispute Resolution Manager shall enter the particulars of the company into the Complaints Register which shall be in the form attached to this policy.

### **Investigating the Complaint**

- 7.11 As far as possible, the Complaint should not be investigated by the Dispute Resolution Manager or deputy Dispute Resolution Manager if they are involved in the subject matter of the complaint.
- 7.12 The Dispute Resolution Manager or deputy Dispute Resolution Manager must have written authority from Spondooli to access any and all documents and records of information (including computer systems) as may be necessary to properly investigate the Complaint.

### **Timeliness**

- 7.13 The Dispute Resolution Manager must provide a written acknowledgement of receipt of the complaint promptly, unless the complaint is otherwise resolved in the meantime.
- 7.14 The written acknowledgement of receipt should advise the Complainant that the Dispute Resolution Manager will respond to the complaint within forty five (45) days.
- 7.15 Spondooli must ensure that a substantive response is given to the Complainant as soon as possible, but within forty five (45) days after receipt of the complaint.
- 7.16 AFCA will treat a complaint as having been received by Spondooli and dealt with at Spondooli IDR, even if the complaint was received by or dealt with by someone other than your Dispute Resolution Manager or by another part of your business. In other words, the 45 days within which Spondooli is required to provide a substantive response to the Complainant will not be extended merely because Spondooli Dispute Resolution Manager referred the Complaint to another part of Spondooli business or because a different part of Spondooli business incorrectly received the Complaint.
- 7.17 If Spondooli can't respond to the Complaint within forty five (45) days, Spondooli must inform the Complainant of the reasons for the delay and of the Complainant's right to refer the complaint to AFCA.
- 7.18 Spondooli will have substantively responded to the Complaint if Spondooli:
- (e) accepts the Complaint and, if appropriate, offer redress;
  - (f) offer redress, but without accepting the Complaint; or
  - (g) rejects the Complaint.

### **Written response to Complainant**

- 7.19 Spondooli must give a written response to the Complaint and give reasons for reaching a particular decision on the Complaint that adequately address the issues that were raised in the Complaint.
- 7.20 The response of Spondooli must advise the Complainant that, if the Complainant is dissatisfied with the response of Spondooli, they have the right to refer the complaint to AFCA.
- 7.21 If a Complainant conveys to Spondooli that they are uncomfortable proceeding through these IDR Procedures, Spondooli must advise them to contact AFCA.

### **Remedies**

- 7.22 Where Spondooli accepts the Complaint and the CCP is of the view that it is appropriate for Spondooli to offer redress to the Complainant, that redress may be financial and/or non-financial.

- 7.23 If Spondooli considers that a financial remedy is appropriate then Spondooli should give the Complainant compensation for any direct loss that the Complainant has suffered.

### **Publicity of IDR Procedures**

- 7.24 Spondooli must give Consumers the name of Spondooli Dispute Resolution Manager and deputy Dispute Resolution Manager and provide their postal addresses, direct telephone contact numbers, fax numbers and email addresses:
- (h) in any agreement between the Consumer and Spondooli; or
  - (i) before Spondooli starts to do the things Spondooli has agreed to do for the Consumer.
- Spondooli must provide a Complainant, or a Consumer on request, a short document that:
- 7.25
- (j) details of the name and postal addresses, contact telephone numbers, fax numbers and email addresses of the Dispute Resolution Manager and deputy Dispute Resolution Manager;
  - (k) details on what a Complainant must do to lodge a complaint;
  - (l) details on how Spondooli will deal with the Complaint, including how the Complaint will be acknowledged, what steps Spondooli will take to resolve the Complaint and the expected timeframes; and
  - (m) advises the Complainant of their right to refer the complaint to AFCA if their Complaint remains unresolved after they have made a complaint to Spondooli.
- 7.26 The website of Spondooli will contain the details referred to in Procedure 7.24 must also be posted on the website.

### **Providing assistance to Complainants**

- 7.27 Spondooli must provide a written authority and instruction to Spondooli Dispute Resolution Manager or deputy Dispute Resolution Manager to provide such assistance to a Complainant as may be reasonable in the circumstances to enable that Complainant to make a Complaint.

### **Data Collection**

- Spondooli must keep such data concerning the Complainant's Complaint in such form and manner as Spondooli think appropriate which will enable analysis according to:
- 7.28
- (n) date of Complaint;
  - (o) type of Complainant;
  - (p) subject of Complaint;
  - (q) outcome of Complaint; and
  - (r) timeliness of response.
- 7.29 The date must be kept for seven (7) years from the date the Complaint is recorded.
- The AFCA Board may, from time to time specify that Spondooli, a class of Member or all Members prepare a Report in relation to the AFCA IDR Procedures. The Report will be:
- 7.30
- (s) in a form specified by the Financial Services Ombudsman, in conjunction with the AFCA Board;
  - (t) completed and verified in writing by Spondooli; and
  - (u) submitted to AFCA within such period as the AFCA Board may allow.

### **"On-line" IDR**

7.31 Spondooli may enable a Complainant to access these IDR procedures, so far as may be applicable, through electronic means, including "On Line" access via the Internet.

### **Recording of Non Compliance**

7.32 Where a complaint reveals non-compliance with legislation or policies applicable to Spondooli, the Dispute Resolution Manager shall notify the Compliance Officer who shall note the non-compliance in the Non-Compliance Register. See policy 02 - Monitoring Compliance of Representatives.

### **Review**

7.33 Spondooli should review these IDR procedures every three (3) years to ensure that the Complaints systems are operating effectively. It is suggested Spondooli consults AFCA when reviewing its IDR procedures.

## **8. EXTERNAL DISPUTE RESOLUTION**

- In the event that the Spondooli IDR process does not resolve the dispute, the consumer may lodge a dispute with AFCA and Spondooli shall respond to any correspondence from AFCA in accordance with the requirements of that organisation.

## **9. DICTIONARY**

In this IDR Policy, unless the contrary intention appears:

**"Complainant"** means a Consumer who makes a complaint against Spondooli;

**"Consumer"** means any member of the public whether a natural person (ie. an individual) or Small Business but does not include:

- a Member; or
- a natural person that AFCA determines is not a consumer for the purposes of the AFCA Rules because of the assets, wealth, or both, that that person has, holds or controls;

**"AFCA"** means the Financial Ombudsman Service Australia;

**"applicable Code of Practice"** means a code of good practice in the finance industry approved as such by the Board;

**"IDR"** means Internal Dispute Resolution;

**"Recognised Industry Body"** means a body whether incorporated or unincorporated that represents or purports to represent persons carrying on Finance related business in the Finance Industry approved as such by the Board

**"Small business"** has the meaning given to that expression in Part 7.1 of the Corporations Act 2001 of the Commonwealth.