

## Complaints about our service

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The Financial Ombudsman Service Australia (FOS) provides fair, accessible and independent dispute resolution for consumers and Financial Services Providers (FSP).

Sometimes a consumer or FSP may not be satisfied with how we have handled a dispute. This may be because the outcome is not what they expected or wanted. Other times they may feel that we took too long with deal with a dispute, or we didn't communicate properly. We take concerns about our service seriously and are committed to seeking to resolve them. Complaints and feedback about our service are also important as they assist us continually review and improve our service.

## Scope of our Complaints and Feedback Policy

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We apply the definition of a complaint from the Australian/New Zealand Standard AS/NZS 10002:2014 Guidelines for complaint management in organisations as follows:

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.

Our Complaints and Feedback Policy also takes into account:

- ASIC Regulatory Guides 139 and 165
- The Commonwealth Ombudsman Better Practice Guide to Complaint Handling, and
- Our Terms of Reference (TOR)

### Complaints we consider

We review and consider any complaint about our level of service in the handling of a dispute.

Complaints about our level of service must be lodged within six months of closure of the related dispute.

Complaints that are only about the merits or outcome of a dispute, including a Determination or jurisdiction decision issued by a FOS Ombudsman, Panel or Adjudicator, do not come within the scope of our complaints and feedback process.

Under our Terms of Reference, Determinations and jurisdiction decisions made by FOS are final decisions and cannot be reopened or reconsidered for review through our complaints and feedback process.

Prior to issuing a final decision, we ensure that parties to a dispute are able to submit additional information for consideration before we issue a final decision. Dispute parties can also choose not to accept any preliminary view or assessment we provide, before we issue a final decision.

## How we deal with complaints about our service

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Our Complaints Policy is underpinned by the following guiding principles:

### ***Respectful***

We treat people respectfully and we listen and communicate constructively.

### ***Fair and transparent***

We objectively consider any concerns raised and we are clear and open in our responses.

### ***Efficient***

We deal with complaints in a timely manner and provide clear outcomes and reasons.

### ***Continually improving***

From complaints and feedback about our service we learn and improve how we provide our service.

## How complaints are handled

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Our complaint procedure includes:

- A review and response to a complaint. Depending on the nature of the complaint, this may be provided by a FOS case worker or manager, our Complaints Manager or the Chief Ombudsman where appropriate.
- Internal escalation of a complaint for further review, if the person complaining remains dissatisfied.
- A final independent review of a service complaint by an Independent Assessor, if the person complaining remains dissatisfied with the final complaint response provided by FOS.

## Our complaints procedure

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### **Lodging complaints & feedback**

Complaints & feedback about our service (compliment, suggestion or complaint) can be lodged in a number of ways:

Via our website: [www.fos.org.au/feedback](http://www.fos.org.au/feedback)

By email: [info@fos.org.au](mailto:info@fos.org.au)

By phone: 1800 367 287

In writing to: Financial Ombudsman Service, GPO Box 3, Melbourne VIC 3001

If you would like to complain or provide feedback by phone, please contact the FOS staff member who is handling your dispute. They will often be able to deal directly with your concerns and resolve them straight away.

If you don't feel comfortable raising your concerns with the staff member handling your dispute, please contact their manager.

### **Acknowledging Complaints**

Many concerns or complaints about our service are able to be resolved immediately or within a couple of days after being raised with us. If we can't, however, resolve a complaint within a few days, we will formally acknowledge receipt of the complaint within seven days of receiving it.

### **Investigating Complaints**

All complaints require full consideration and investigation in order to determine what has happened and what course of action needs to be taken. We want to ensure that we fully consider any issue raised before responding.

If we need further information to ensure that your complaint is fully considered, we will contact you before completing our review to ask for this information. Any further information you provide before we have completed our review and responded will be considered and taken into account.

### **Responding to Complaints**

We respond to complaints at the first available opportunity. If we can't resolve your complaint immediately, we aim to respond within 28 days after we first receive and acknowledge it.

If we haven't been able to complete our investigation and provide you a response after 28 days we will write to you and provide an update. Our update will provide the date when our investigation will be completed and a response provided.

Once the concerns raised in your complaint have been considered we will provide you with a full response which addresses all the concerns raised.

### **Complaint resolutions**

There are a number of possible outcomes and resolutions to a complaint about our service. These include:

- An explanation about our process and information about how your dispute was handled by us.
- Rectification of an issue you have raised.

- Providing an apology if we haven't met our service standards.
- A change in the way we are handling your dispute.
- Ongoing monitoring of issues
- Staff training
- Compensation for non-financial loss may be awarded in appropriate circumstances. The maximum amount payable is consistent with the non-financial loss compensation limit for disputes under 9.3 of the FOS Terms of Reference.

When we respond to a complaint we will ensure that the response is provided to the person who has lodged the complaint. Our responses may be in the form of a letter, email, or where appropriate by telephone.

### **Complaint handling**

When we receive a complaint it is normally considered and responded to by the case worker handling the dispute it relates to, or an appropriate manager. Depending on the nature of the complaint, it may also be dealt with by our Complaints Manager or Chief Ombudsman where appropriate.

Where a person lodging a complaint does not feel comfortable in approaching the case worker they have been dealing with, or if it is not appropriate for the case worker to consider the complaint, it will be referred to an appropriate manager for review. Usually this will be the case worker's manager.

### **Complaints received by Board members**

When a Board member receives a complaint, it will be referred to our Complaints Manager for inclusion in our standard complaints procedure. If appropriate the Board Chair may respond to the complaint.

### **Complaint escalations and reviews**

If you don't feel your complaint has been addressed or you are unhappy with the response, you can ask that your complaint be escalated and further reviewed. Escalated complaints are usually dealt with by our Complaints Manager.

The person who deals with your escalated complaint will fully review your complaint and respond to any unresolved issues.

### **Independent Assessor review**

If you remain dissatisfied with the outcome of your complaint, you can ask for your complaint to be referred to the Independent Assessor to be reviewed.

The Independent Assessor is appointed by the FOS board and is able to consider a complaint about the standard of service provided by FOS. This covers all aspects of how FOS has handled a particular dispute.

The Independent Assessor does not consider the merits or the substantive outcome of a dispute, such as a determination or other finding issued by FOS about the merits of a dispute, or our jurisdiction. The role is not an appeal or review mechanism for FOS's decision and judgements on the facts or merits of a dispute.

The Independent Assessor will make a recommendation to FOS and the complainant about the outcome of the complaint. If FOS does not agree with the recommendation it will be referred to the Board Chair or Board for a final decision.

More information about the Independent Assessor and their Terms of Reference is available at <http://www.fos.org.au/about-us/independent-assessor/>

## **Compliments and suggestions**

Your compliments and suggestions will help us review and improve our services. If you require a reply in response to your compliment or suggestion, please let us know.

## **Reporting of Complaints**

We record and report detailed information and data on complaints we receive about our service. This helps us analyse and identify any particular trends or issues and we use this information to review and continually improve our service.

Regular complaint reports are provided to the FOS Senior Leadership Group and Senior Managers. A quarterly report is also provided to the FOS Board.

Information about complaints we receive is published in our Annual Review (from 2016-17).

The Independent Assessor reports quarterly to the FOS Board and information about complaints reviewed by the Independent Assessor is published annually (from 2016-17).

## **Policy Review**

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Our Complaints and Feedback policy will be reviewed every 12 months or as appropriate and any proposed changes approved by the Chief Ombudsman.

**Policy created:** December 2010  
**Policy reviewed:** December 2011  
**Policy reviewed:** July 2013  
**Policy reviewed:** July 2014  
**Policy reviewed:** June 2015  
**Policy reviewed:** November 2016  
**Policy reviewed:** October 2017

**Policy reviewed:** May 2018