

## Complaints Handling Policy and Procedure

Gartora Enterprises Pty Ltd Australian Financial Services Licensee No. 522840 trading as CLS Investment Services ABN 76 073 837 179 (we, us, our)

Purpose:	This document sets out our dispute resolution system for the efficient and fair resolution of complaints and disputes that arise in the course of our financial services business.
Prepared by:	Kit Legal Pty Ltd
Person responsible for annual review:	Compliance Officer

## References

Legislation:	Corporations Act s912A(1)(g), 912A(2), 912B ASIC Corporations (Internal Dispute Resolution Data Reporting) Instrument 2022/205
ASIC Regulatory Guides:	RG271 RG277
Other:	AS/NZS 10002-2014 ASIC's IDR Data Reporting Handbook Complaints Register Compensation and Insurance Arrangements Policy and Procedure

## Policy

### Overview

This document sets out our dispute resolution policy and procedure for the efficient and fair resolution of complaints and disputes that arise in the course of our financial services business.

### Definition of complaint

A “complaint” is “an 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.”

### Application of Policy

This Policy must be followed for all complaints made by retail clients in relation to the financial services we provide.

For internal dispute resolution (**IDR**) purposes, ASIC has expanded the definition of “small business” in respect of establishing who is a “retail client”. When considering whether a client is a small business and therefore a retail client for the purposes of this Policy, “small business” is defined as a business that had less than 100 employees at the time of the act or omission by the financial firm that gave rise to the complaint. A small business includes a primary producer if that primary producer is also a small business.

For other complaints, the Compliance Officer will determine whether, and to what extent, this Policy and Procedure will apply.

### Effective and efficient handling

We maintain effective and efficient complaints handling by:

- recognising that people who deal with us have the right to complain;
- welcoming complaints from people who have dealt with us and who are dissatisfied with our services, decisions, actions or officers;
- ensuring all client-facing staff and representatives understand the dispute resolution procedures;
- encouraging and empowering staff to resolve complaints early;
- ensuring sufficient resources are allocated to dispute resolution including training on requirements and number of staff available to manage complaints;
- having systems in place to assist in timely and effective complaints handling and monitoring;
- identifying, investigating and resolving systemic issues that may cause or contribute to a complaint.

### Internal dispute resolution

Principle	Description
<b>Ensuring no detriment to complainant</b>	We make sure that any client who makes a complaint is not adversely affected because of making the complaint.
<b>Visibility and transparency</b>	Our complaints process is readily available, written in plain English, and can be accessed:

Principle	Description
	<ul style="list-style-type: none"> <li>• upon direct request (via email, phone etc.);</li> <li>• on our website; and</li> <li>• within our FSG and Privacy Policy (for complaints relating to the handling of personal and credit (if applicable) information).</li> </ul> <p>All staff receive training on our complaints handling process.</p> <p>Publicly available information about our complaints process will include:</p> <ul style="list-style-type: none"> <li>• where complaints can be made;</li> <li>• how complaints can be made;</li> <li>• when complaints can be made;</li> <li>• when acknowledgement of complaints can be expected;</li> <li>• what information should be provided by the complainant;</li> <li>• our process for handling complaints;</li> <li>• time periods associated with various stages in the process;</li> <li>• where appropriate, possible options for redress;</li> <li>• the complainant’s options for review, both internally and externally; and</li> <li>• how the complainant can obtain feedback on the status of their complaint.</li> </ul>
<b>Accessibility</b>	<p>Complainants can make complaints over the phone, in person, via email or letter, or by posting on one of our social media channels.</p> <p>We will offer assistance to complainants who have limited literacy skills so they can provide us with the relevant information needed to address their complaint, including ensuring their complaint is expressed clearly.</p> <p>We accept complaints from family members, advocates, friends or other people who act on behalf of, or in support of, a person who might have limited capacity to make a complaint.</p> <p>We accept anonymous complaints, however, the extent to which we can address anonymous complaints without the ability to obtain further information or make further inquiries of the complainant may be limited.</p>
<b>No charges</b>	The complaints management process is free for complainants.
<b>Responsiveness</b>	We aim to address all complaints efficiently and effectively. We’ll resolve complaints as soon as possible and no later than 30 calendar days after receiving the complaint.
<b>Objectivity and fairness</b>	Our staff are required to address complaints in an objective, unbiased and equitable way, treating all clients equally and with empathy.

Principle	Description
	<p>Staff must allow all clients the opportunity to make their case and not discourage a client from making a complaint. Where possible or appropriate, the staff member involved in the circumstances giving rise to the complaint will not be involved in resolving the complaint.</p> <p>The Compliance Officer will consider each complaint on its merits and will be considerate of any sensitivities based on the nature of the complaint or the client.</p> <p>Where a complaint is made against a particular staff member, the staff member will be notified of the complaint and be given a reasonable opportunity to explain the circumstances that gave rise to the complaint. The Compliance Officer will keep the staff member up to date on the progress of the complaint and the end result.</p>
<b>Confidentiality</b>	<p>We keep the details of complaints confidential, except to the extent required to resolve the complaint. This includes notifying any staff who are the subject of the complaint or are otherwise involved in the complaint management process.</p> <p>We will only disclose personal information concerning a complaint or dispute to third parties where it's necessary to address or respond to the complaint or dispute, or otherwise with the client's consent.</p>
<b>Committed culture</b>	<p>Our Board and senior management set a positive complaints management culture for the business, advocating for the importance of complaints and ensuring that our complaints management system is properly resourced.</p>
<b>Client-focused</b>	<p>We have a client-focused culture and all staff attempt to answer client concerns before they escalate to a complaint. In addition, we focus on communicating expectations with clients early to avoid misunderstandings.</p> <p>Staff are required to be respectful, friendly, helpful, open to feedback and communicate in plain English when resolving complaints (and generally in all other activities too!).</p>
<b>Systemic issues</b>	<p>The Compliance Officer will regularly analyse complaints data to identify any possible systemic issues and will take prompt action to remedy any issues that are identified. We also encourage staff to escalate any systemic issues that they identify from individual complaints.</p>
<b>Accountability</b>	<p>The Compliance Officer will report regularly to the Board in relation to complaints received and actions taken. Systemic issues and items requiring improvement are documented in Compliance Committee meetings and action items given for resolving systemic issues.</p>
<b>Continuous improvement</b>	<p>We review all complaints to analyse whether systems or processes should be improved. Where possible, the continuous improvement process attempts to proactively identify and address items that, if ignored, could lead future complaints.</p>

## Internal roles, responsibilities and accountabilities

### Board / Senior Management

- Actively maintain oversight of the complaints handling process.
- Ensure sufficient resources are available to maintain a robust complaints handling process.
- Ensure that sufficient complaints management systems, policies and procedures are implemented and promote staff awareness of these systems, policies and procedures.
- Appoint a Compliance Officer to manage the complaints management process and appropriately delegate authority to that person to empower them to fairly and efficiently resolve complaints.
- Prescribe the nature and level of reporting of significant complaints, systemic issues and the complaint management process generally to the Board and senior management.

### Compliance Officer

- Monitor resources to ensure that adequate resources are allocated to complaints management.
- Ensure compliance with privacy and other laws (e.g., the tipping-off provisions of the *Anti-Money Laundering and Counter Terrorism Financing Act 2006*) in responding to complaints and reporting IDR data to ASIC.
- Implement the complaint management systems and procedures.
- Report to the Board and senior management on any significant complaints, systemic issues, the complaint management process generally and any suggested improvements.
- Report to staff members about any systemic or other issues identified through the ongoing monitoring of the complaints management system.
- Review reports from staff summarising complaints, investigate the complaint and attempt resolution of the complaint.
- Undertake annual reviews to monitor and review the complaint management system and to review the adequacy and effectiveness of this Policy.
- Implement internal escalation procedures where a complaint remains unresolved.
- Develop and maintain the Complaint Register.
- Report IDR data to ASIC in accordance with ASIC's IDR Data Reporting Handbook.
- Ensure all staff are adequately trained and supported to identify and receive complaints and systemic issues.
- Ensure that information about our complaint management process is publicly available.

### All staff

- Have a thorough understanding of the complaints management process.
- Understand how to identify and report complaints and systemic issues to the Compliance Officer.
- Identify complaints and systemic issues and report them to the Compliance Officer.

## Roles and responsibilities of parties to the complaint

Client	Staff
<b>Rights</b>	
<ul style="list-style-type: none"> <li>• To make a complaint and to express their views, providing it's done in a reasonable, lawful and appropriate way.</li> <li>• To receive information about our complaint management procedure.</li> <li>• To be treated in a fair, reasonable and impartial way.</li> </ul>	<ul style="list-style-type: none"> <li>• To determine how a complaint will be dealt with in accordance with our complaint management procedure.</li> <li>• To implement outcomes that are considered satisfactory in the circumstances.</li> <li>• To receive honesty, cooperation and reasonable assistance from clients.</li> </ul>

Client	Staff
<ul style="list-style-type: none"> <li>To be informed about the actions taken by us in relation to the complaint and the outcome of the complaint.</li> <li>To be given an explanation of the reasons for our decision in relation to the complaint.</li> <li>To be treated with courtesy and respect at all times.</li> </ul>	<ul style="list-style-type: none"> <li>To be treated with courtesy and respect at all times.</li> </ul>
<b>Responsibilities</b>	
<ul style="list-style-type: none"> <li>Identifying the issues of complaint or asking for help from our staff to help them identify the issues.</li> <li>Providing us with all information relevant to the complaint.</li> <li>Being honest, cooperative and reasonable in dealing with our staff in relation to the complaint.</li> <li>Treating our staff with courtesy and respect at all times.</li> </ul>	<ul style="list-style-type: none"> <li>Providing reasonable assistance to clients to assist them to make a complaint.</li> <li>Dealing with all complaints and clients in a professional, fair and impartial way.</li> <li>Receiving complaints and giving clients a reasonable opportunity to explain the nature of their complaint.</li> <li>Keeping clients informed about the progress of their complaint, any actions taken, the outcome of the complaint and the basis for the decision made.</li> <li>Treating clients with courtesy and respect at all times.</li> </ul>

### Dealing with clients who act unreasonably

A client may at times act unreasonably when dealing with us in relation to their complaint. Examples of this include where the client refuses to accept a decision made by the Compliance Officer, refuses to reasonably cooperate with us or is aggressive or offensive.

We apply the following principles when dealing with unreasonable client conduct:

- focus on the content of the complaint, rather than the behaviour of the client;
- accept that we can't control how the client behaves, but we can control how we react to the client's behaviour and can modify the way in which we communicate with the client based on the client's behaviour (e.g. where the client may have a tendency to be verbally abusive, we may request that all communications are by email);
- address and manage the client's unreasonable behaviour with the aim of providing a better level of service to the client than would be otherwise be possible if we didn't manage the unreasonable behaviour; and
- always keep in mind the rights and responsibilities we, and the client, have in relation to a complaint.

Any client who behaves unreasonably should be immediately referred to the Compliance Officer who will continue to deal with the client and attempt to resolve the complaint.

When attempting to resolve a complaint from a client acting unreasonably, the Compliance Officer should consider the most appropriate way to deal with the client, including whether it's appropriate to:

- restrict the subject matter of communications that the Compliance Officer will consider and respond to;



- restrict the persons that the client can communicate with in relation to the complaint;
- restrict the frequency that the client can contact us in relation to the complaint;
- restrict how the client can contact us in relation to the complaint (e.g. telephone, written or face-to-face); or
- terminate the client's engagement with us.

We support our staff to deal with unreasonable complainant behaviour, including through providing training to deal with unreasonable behaviour where it's determined appropriate by the Compliance Officer.

## External dispute resolution

We are at all times required to be a member of the external dispute resolution scheme, the Australian Financial Complaints Authority (AFCA). Clients must be informed of their right to refer their complaint to AFCA (and how they can contact AFCA).

With the complainant's consent, we may escalate a complaint to AFCA where the Compliance Officer believes it's necessary and appropriate to resolve the complaint satisfactorily.

Where a client indicates that they may lodge a dispute with AFCA, the Compliance Officer must promptly inform the Board.

The Compliance Officer must inform ASIC within 3 business days after any change to our AFCA membership status, including if the membership isn't renewed or is terminated.

## Client remediation

If, as a result of a complaint, analysing complaint trends or otherwise, we identify misconduct or a failure that has caused or may cause consumer loss, we must additionally follow our Compensation and Insurance Arrangements Policy and Procedure.

## Reviewing complaints to identify 'significant dealings and reporting Product Complaints to Issuers

Where a Target Market Determination (TMD) has been made for a product, we have an obligation to keep a record of all product complaints we receive and to notify the product issuer about the number of product complaints we receive, and other information they require as set out in their TMD. This information must be reported to the Product Issuer, within 10 business days of the reporting period identified in the TMD.

In addition, we have an obligation to report 'significant dealings' outside the TMD, to the product issuer, within 10 business days of the Licensee becoming aware of the dealing. Product complaints may contain evidence of a 'significant dealing' and therefore must be reviewed immediately by the Compliance Officer, to assess whether any reporting to the issuer is required.

In order to facilitate the prompt review of complaints and reporting to Product Issuers this all staff who receive a product related complaint must log these immediately on the Complaints Register or notify the Compliance Officer to ensure that the 10-day reporting period can be met if a 'significant dealing' has occurred.

## Complaints Register





The Compliance Officer is responsible for maintaining the Complaints Register which records details regarding each complaint, including whether it's been referred to AFCA or whether it requires notification to the product issuer as a 'significant dealing'. It also captures the IDR data we are required to submit to ASIC every 6 months (see below).

Any request to access a client's complaint record will be dealt with in accordance with our Privacy Compliance Plan.

## **IDR data reporting**

The Compliance Officer is responsible for submitting our IDR data to ASIC every 6 months, in accordance with ASIC's IDR Data Reporting Handbook.

This IDR data must include each complaint that is required to be covered by this Policy that was made during the 6-month reporting period or was not closed as at the start of the 6-month reporting period. This includes any complaints that are re-opened during the reporting period. A complaint is closed once we have provided an IDR response, resolution, or an explanation or apology to the complainant.

The Complaints Register should be used to record IDR data for each complaint or dispute required to be covered by our IDR procedures to enable us to prepare an IDR data file to submit to ASIC. See ASIC's IDR Data Reporting Handbook for specific requirements on form and content of the file. A copy of the IDR data file submitted to ASIC must be retained.

## **Analysis and evaluation**

The Compliance Officer will regularly review, analyse and evaluate the complaints recorded in the Complaints Register to ensure that any systemic or recurring issues or items for improvement are identified. Systemic issues are reported to the Board who will, in conjunction with the Compliance Officer, prepare a plan to rectify any systemic or recurring issues, including identifying all clients affected by the issues.

The Compliance Officer will seek feedback from clients regarding our complaint management process, as determined appropriate by the Compliance Officer.

## **Training**

The Compliance Officer is responsible for ensuring that all staff are trained on our complaints procedure and understand their obligations and role in relation to client complaints. The Compliance Officer will keep a record of the training staff receive on the complaint procedure.

## **Outsourcing**

We require any outsourced service providers involved in client-facing activities to comply with this document.

## **Review of complaint management process**

The Compliance Officer will review the performance of our complaint management process on an annual basis. The review will consider and report on:

- the suitability, adequacy, effectiveness and efficiency of our complaint management process;
- any instances of noncompliance with our complaint management process;
- any deficiencies of our complaint management process; and

- any improvements or potential changes to our complaint management process.

The Compliance Officer will take into consideration the following when conducting the review:

- any changes to this Policy, our objectives or organisational structure;
- the resources available for complaint management, including best practices in complaint management;
- the services we offer;
- any changes in legislation or technological innovations affecting complaints management;
- results of any audits or reviews;
- status of any corrective or preventative actions;
- follow-up actions from previous management reviews; and
- recommendations for improvement.

The Compliance Officer will report all findings from the review to the Board.

The Responsible Managers (or their delegate) will conduct an audit of the performance of our complaints management process on a regular basis, as determined appropriate by the Responsible Managers. The audit will consider the extent to which the complaints management process has been complied with and the suitability of the complaints management process to achieve our complaints management objectives.

## Continual improvement

We continually seek to improve the effectiveness and efficiency of our complaints management process by taking the following steps:

- identifying and implementing (where relevant) best practices in complaints management;
- encouraging a people-focused approach to complaints management among staff;
- encouraging innovation in the complaints management process; and
- identifying excellent complaints management behaviour of staff.

## Procedure

### *Step 1 – Acknowledge complaint*

Staff must acknowledge a complaint promptly, namely within 24 hours (or one business day) of receipt, or as soon as practicable. The staff member should inform the client about the complaints process, the client's likely involvement in that complaints process and the timeframes within which the client can expect a response to their complaint. This communication should be made using a method which is appropriate given any communication preferences expressed by the complainant and considering how the complaint was made.

The staff member should request the following information from the client:

- the client's contact information;
- details of the complaint;
- the outcome sought by the client;
- any other information that is required to properly respond to the complaint; and

- whether they need any support.

The staff member should, if the complaint is simple, attempt to resolve the complaint directly with the client.

### ***Step 2 – Lodge form with Compliance Officer***

Staff must immediately complete an entry to the Complaints Register, regardless of whether they resolved the complaint in the first instance. The entry in the Complaints Register should contain all of the information collected in Step 1. It should also contain IDR data to enable us to report this to ASIC, if required.

Where a staff member doesn't have direct access to the Complaints Register, they must notify the Compliance Officer who will complete the entry to the Complaints Register.

### ***Step 3 – Compliance Officer updates Register***

The Compliance Officer will review the draft entry and accept or edit it in the Complaints Register.

### ***Step 4 – Investigate complaint***

The Compliance Officer is responsible for making an initial assessment of the complaint to identify the best process for managing the complaint, taking into account the:

- severity;
- complexity;
- impact on the client;
- potential to escalate the complaint;
- need for and possibility of immediate action; and
- outcomes sought by the client.

After the initial assessment, the Compliance Officer will proactively investigate each complaint, including through obtaining information, consulting with relevant staff and requesting information directly from the client as required.

The Compliance Officer may delegate investigation of the complaint to another staff member.

The Compliance Officer will prioritise the resolution of a complaint on the basis of the urgency of the subject matter of the complaint.

### ***Step 5 – Notify Product Issuer if ‘Significant Dealing’ outside TMD (Product complaints)***

Following the investigation into the complaint, if the Compliance Officer considers that a 'significant dealing' outside the target market for the product has occurred the Compliance Officer must notify the product issuer of the complaint promptly and within 10 business days.

### ***Step 6 - Attempt resolution***

The Compliance Officer or staff member tasked with resolving the complaint must attempt to resolve the complaint promptly and satisfactorily, with the aim of avoiding the need to refer the complaint to AFCA.

The Board has authorised the Compliance Officer to resolve complaints except where the complaint involves a breach of our legal obligations or may negatively impact our reputation. In these situations, the Compliance Officer must immediately report the complaint to the Board.

Depending on the nature of the complaint or dispute, remedies may include an apology, write off of all or part of fees, or termination of any arrangement. The Compliance Officer is required to approve any remedy involving a fee write down or write off.



The Compliance Officer or staff member tasked with resolving the complaint must provide an update of the progress of the complaint to the client every 2 weeks.

### **Step 7 – Notice of outcome**

If we resolve a complaint within 5 business days of first receiving it, we will only provide a written notice of outcome if the client requests one.

Where a complaint is not resolved to the client's satisfaction within 5 business days after receiving the complaint, the Compliance Officer must give a written response to the client within a maximum of 30 calendar days.

The response must explain:

- the final outcome of the complaint;
- the actions taken by us in response to the complaint;
- the reasons for any decisions that have been made;
- any remedy or resolution offered to the client; and
- the client's right to take the complaint to AFCA along with AFCA's contact details (or, in the case of a complaint in relation to the handling of personal and/or credit (if applicable) information, the client's right to take the complaint to the Office of the Australian Information Commissioner).

Sometimes we won't be able to provide a final response within 30 days because the complaint is particularly complex or circumstances beyond our control cause delays. When this happens, the Compliance Officer will contact the client in writing before 30 days have passed explaining the reasons for the delay and the client's right to take the complaint to AFCA along with AFCA's contact details (or, in the case of a complaint in relation to the handling of personal and/or credit (if applicable) information, the client's right to take the complaint to the Office of the Australian Information Commissioner).

The Compliance Officer will record the outcome of the complaint in the Complaints Register, including the steps taken to address the complaint and any follow up action required.