

## ENDORSEMENT TO THE MODEL BINDING AUTHORITY AGREEMENT FOR INTERNATIONAL COMPLAINTS - GENERIC ONE STAGE PROCESS - FULL AUTHORITY

*(For use with LMA Binding Authority Agreements in territories where a country specific endorsement has not been published by the LMA.)*

The provisions of this endorsement are to be read in conjunction with Section 22 (Complaints or Proceedings).

The Coverholder has full authority to handle Complaints against Underwriters and to offer Redress up to and including { } in order to resolve such Complaints.

### 1. Process

- 1.1. Upon receipt of a Complaint which fulfils the local definition, the Coverholder has full authority to resolve the Complaint in accordance with the local requirements. Underwriters may at any time withdraw or vary this authority in respect of one or more Complaints and in such circumstances Underwriters shall be entitled to make any decisions or take any action regarding the Complaint which Underwriters consider appropriate.
- 1.2. If the Coverholder is in any doubt as to whether or not it is a complaint the Coverholder shall treat it as a Complaint. The local requirements per territory are set out at: [www.lloyds.com/complaintshandling/international](http://www.lloyds.com/complaintshandling/international)
- 1.3. The Coverholder must notify \*Underwriters/Lloyd's (Delete as applicable) within 14 calendar days of receipt of the Complaint by using the International Notification Template which can be downloaded from Lloyd's website and sending it to {Insert Underwriters/Lloyd's email address} \*(Delete as applicable)
- 1.4. The Coverholder must adhere to the local requirements regarding keeping the complainant informed and providing the complainant with a response within the local timeframes.
- 1.5. The Final Response must include referral rights to the local External Dispute Resolution Service (EDR) unless the complainant is not eligible to take their Complaint there. If the complainant is not eligible then the Coverholder must provide referral rights to the UK Financial Ombudsman Service (FOS).
- 1.6. A copy of the Final Response along with a copy of the original Complaint must be sent to Underwriters/Lloyd's (Delete as applicable) within 2 days of being issued.

### 2. Additional Responsibilities:

In addition to the above the Coverholder will:

- 2.1. Ensure that all members of staff that may receive Complaints in relation to any operations under this Binding Authority Agreement are trained in Complaint identification to a level appropriate to their position and role within the organisation and are aware of the above procedure;
- 2.2. Inform policyholders of the availability of the EU Online Dispute Resolution (ODR) scheme in relation to products distributed under this binding authority agreement. Where required to do this, the Coverholder must display the following wording on their website and policy documentation:  
'If you were sold this product online or by other electronic means and within the European Union (EU) you may refer your complaint to the EU Online dispute Resolution (ODR) platform. Upon receipt of your complaint the ODR will escalate your complaint to your local dispute resolution service - this process is free and

conducted entirely online. You can access the ODR platform on <http://ec.europa.eu/odr>.'] **[Delete if not applicable]**

### 3. Record keeping

- 3.1. The Coverholder shall maintain a register of all Complaints.
- 3.2. The register should include the following information:
  - a. Name of Complainant;
  - b. Name of Complainant's representative (if applicable);
  - c. Address of Complainant;
  - d. Address of Complainant's representative (if applicable);
  - e. Date Complaint received;
  - f. Date resolved;
  - g. Date acknowledgement issued;
  - h. Date final response issued;
  - i. Date notified to Underwriters/Lloyd's;
  - j. Date referred to underwriters;
  - k. Policy number;
  - l. Claim reference (if applicable);
  - m. Unique market reference;
  - n. Product;
  - o. Customer type;
  - p. Root cause;
  - q. Outcome;
  - r. Action taken;
  - s. Redress paid;
- 3.3. The Coverholder must provide a copy of the register to Underwriters, or their representatives, promptly upon request.

### 4. Additional Guidance

- 4.1. In the event additional guidance is required please contact Underwriters on **[Insert Underwriters contact details]**
- 4.2. Lloyd's also provides further guidance and can be contacted using [complaints-enquiries@lloyds.com](mailto:complaints-enquiries@lloyds.com) or +44(0)20 732 5696.

### 5. Definitions

- 5.1. The definition of Complaint and Complainant to be adopted shall be the definition as prescribed by local law. For guidance see [www.lloyds.com/crystal](http://www.lloyds.com/crystal) and [www.lloyds.com/complaintshandling/international](http://www.lloyds.com/complaintshandling/international).
- 5.2. Redress is any monetary award made as a result of the Complaint and the following definition should be applied (subject to the application of local law)., This is 'any amount paid, or cost borne, where a cash value can be readily identified, and should include the following:
  - a. Amounts paid for distress and inconvenience;
  - b. A free transfer of cover to another provider which would otherwise normally be paid for;
  - c. Goodwill payments and goodwill gestures;
  - d. Interest on delayed settlements;
  - e. Waiver of an excess on an insurance policy; and
  - f. Payments to put the consumer back into the position they would otherwise have been in had the act or omission not occurred (including claim payments).

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