

# LLOYD'S COMPLAINTS - INTERNATIONAL

## Handling International Complaints at Lloyd's: Guidance for managing agents and their representatives

This guidance note provides a practical process for handling international (non-UK) complaints received from eligible Lloyd's policyholders.

Where complaints arise policyholders should expect to have their complaint dealt with in a prompt and reasonable way. At the same time, different countries have different local rules for the handling of complaints. Lloyd's arrangements for international complaints are intended to allow for the oversight of complaints handling outside of the UK, consistent with the regulatory expectations of the UK Financial Conduct Authority (FCA), whilst allowing flexibility for managing agents in the way they handle complaints in accordance with local rules.

It is therefore important that managing agents ensure they are able to comply with the local rules in territories outside the UK as well as Lloyd's requirements for handling complaints in that territory. Any questions should be directed to the Complaints team.

**Note:** This note is only intended to provide summary guidance of Lloyd's arrangements for international complaints handling. Managing agents should continue to refer to [Crystal](#) for the complaints regulations that apply in each territory. In addition, Lloyd's has produced for each territory a summary sheet setting out the key local requirements. Note that in a few instances, the local requirements will mean that managing agents must follow a different process to that which is set out in this note. That is highlighted in the relevant summary sheet. In the event of any differences between the country specific summary sheets and this note, the country specific summary sheets should be followed.

For more information about international complaints handling at Lloyd's please refer to [www.lloyds.com/complaintshandling](http://www.lloyds.com/complaintshandling).

### General Requirements

- All emails (with the exception of notification spreadsheets) must only contain data relating to a single policyholder.
- All email attachments must be password protected using the managing agent / coverholder standard password provided to Lloyd's Complaints team.

- Lloyd's Complaints team are not to be copied in to emails between managing agents and their representatives. Any additional documentation supplied that is not required will be deleted.
- All documents including original complaints, investigation ongoing letters and stage one responses are to be submitted in pdf format. Local language documents may be provided as Word documents.

### **Expression of dissatisfaction by complainant to managing agent/representative**

- Managing agents must have in place procedures that allow complaints to be made by any reasonable means, including orally. The definition of a complaint to be applied is that which is mandated by the relevant regulator in each territory. Where no definition exists, the following definition should be used:

*"any oral or written expression of dissatisfaction, whether justified or not, from, or on behalf of, a person about the provision of, or failure to provide, a financial service, which alleges that the complainant has suffered (or may suffer) financial loss, material distress or material inconvenience."*

- It is the responsibility of managing agents to handle all international complaints appropriately and ensure they are compliant with all relevant local rules. This includes any requirement to acknowledge complaints, provide information to the complainant and meet applicable time limits.
- Every two weeks (or more frequently if required to comply with the 14 day notification requirement) managing agents or their representative (which could be a coverholder or third party administrator) must complete the Lloyd's International Complaint Notification template, providing details of all new complaints received where the complainant is eligible to have their complaint considered by the local External Dispute Resolution (EDR) scheme. Furthermore, there may be territories in which the relevant definition of a complainant includes persons whose cases are not eligible for consideration by the EDR scheme; those cases will also need to be notified to Lloyd's.
  - There is no need to include complaints which were brought to the attention of the managing agent by Lloyd's.
  - There is no requirement for a "nil return" where no new complaints have been received.
  - On policies or binding authorities where there is more than one syndicate participating, Lloyd's expects the lead syndicate to notify the complaint.
  - Notification spreadsheets must be received by 16.45 to be loaded on the day of receipt otherwise they will be loaded on the following working day.
- The International Complaint Notification Template should be downloaded from [www.loyds.com/complaintshandling](http://www.loyds.com/complaintshandling) and sent once completed via email to: [complaints-notification@loyds.com](mailto:complaints-notification@loyds.com). Managing agents must use the template provided by Lloyd's and should not create their own templates. The subject line of the email should state 'Notification Spreadsheet' unless the spreadsheet is automatically created by a complaint management database. The email should only contain the spreadsheet and no other documentation.

- Complaints must be notified to Lloyd's within 14 days of receipt and those not notified to Lloyd's with 21 days of receipt will incur an 'additional administration charge'.
- The following table explains how to complete the International Complaint Notification template. Completion of all fields is mandatory, with the exception of the Address field. Managing agents should ensure that they provide the information in a way that is compliant with the applicable data protection laws.

Field	Comments
Submitting company	This is the name of the managing agent or its representative who is completing and submitting the template.
Coverholder	If the policy was bound by a coverholder, select the coverholder name from the drop down list.
Third Party Administrator (TPA)	If a TPA is involved, select the TPA name from the drop down list.
Policyholder Surname	This is the surname of the insured individual. Either the policyholder surname or Policyholder company name field must be completed.
Policyholder Company Name	This is the name of the insured entity. Either the policyholder surname or Policyholder Company Name field must be completed.
Address (Optional)	Insert a correspondence address for the complainant.
Post Code	The postcode, mailing code, zip code, etc. for the policyholder.
Policy Number	Please ensure that the Policy Number detailed on the spreadsheet is referenced on the complaint response.
Complaint Process	The territory in which the insured is located. Select from drop down list.
Date Received	Insert the date the complaint was first received by the managing agent or its representative. For example where the complaint was initially received by a coverholder who subsequently notifies the managing agent of the matter the date the complaint was first received by the coverholder will be the operative date.
Complaint Code	Select from drop down list.
Class of Business	Select from drop down list.
Placement Type	Select from drop down list.
Syndicate Number	Lead syndicate on the coverage.
Claims Related	Select from drop down list.
Root Cause	Select from drop down list.

- The spreadsheet should be named 'International\_Notification' and saved as an xls document, no additional columns should be added to the spreadsheet.
- Complaints will be entered onto the complaints monitoring database by Lloyd's to enable effective monitoring and regulatory reporting. No verification checks will be performed on the spreadsheet prior to upload and it will be loaded as received. In the event that the spreadsheet fails to load successfully, the spreadsheet will be returned to the managing agent, or their representative, with details of the records that have failed. These incorrect records should be resubmitted on the next spreadsheet. NB The complaint will not be classed as logged for performance oversight purposes until the corrected spreadsheet is received and the complaint is successfully uploaded.
- Managing agents must also keep their own record of each complaint received and the measures taken for their resolution.
- Lloyd's reserves the right to review and take over coordinating the response to individual complaints where, in the view of Lloyd's, this is appropriate in all the circumstances, including to meet local regulatory expectations of Lloyd's.

### Response to complainant

- In all cases a written response must be sent to the complainant by the regulatory deadline. Where there is no local regulatory deadline, a response should be sent within eight weeks of the date of the complaint being received.
- Responses must notify the complainant of any right (where applicable) to refer their complaint to the relevant EDR service e.g. an Ombudsman or Regulator, OR the UK Financial Ombudsman Service, if no local EDR is available.
- The letter should set out details of any redress or remedial action being offered. Redress includes:
  - Payments to put the complainant back into the position the complainant should have been in had the act or omission complained about not occurred, including any claim payments
  - Amounts paid for distress and inconvenience
  - Goodwill payments and goodwill gestures
  - Interest on delayed settlements
  - Waiver of an excess
- A copy of the response together with a copy of the original complaint must be emailed to [complaints-notification@lloyds.com](mailto:complaints-notification@lloyds.com) within two business days after the response is sent to the complainant. There is no requirement for these documents to be translated to English; this will be arranged by Lloyd's. The subject line of the covering email should state 'Stage One Response – policyholder name'. The body of the mail should confirm:
  - policy / claim number used to notify the complaint to Lloyd's

- stage one decision (justified or not justified)
- if justified, the grounds for justification and action taken, using Lloyd's standard options
- redress payable
- root cause of complaint (if not provided on notification spreadsheet)
  - o Claim – coverage / terms and conditions
  - o Claim – customer service
  - o Claim – delay
  - o Claim – quantum
  - o Claim – standard / duration / delay of repair
  - o Cancellation / refund
  - o Customer Service – non-claims related
  - o Product suitability
  - o Other (we would expect this option to be rarely used)
- coverholder (if not provided on notification spreadsheet)
- Lloyd's Complaints team will monitor each complaint to ensure:
  - o the response to the complaint addresses all issues raised
  - o regulatory deadlines are complied with
  - o appropriate EDR rights are provided to the complainant

Failure to comply with the following requirements will incur an additional administration charge:

- correctly report the complaint received date
- provide all documentation in the format required by the Complaints Documentation Policy Statement
- provide a copy of the original complaint and international response within required deadline
- provide details of the coverholder / root cause
- provide correct and complete EDR referral rights

### **Request by complainant for a stage two review by Lloyd's**

- Whilst there is no requirement to inform the policyholder of their right to refer their complaint to Lloyd's, if they remain dissatisfied with the international response the policyholder can request Lloyd's to undertake a stage two review.
- At the inception of a stage two review, Lloyd's will request a full copy of the managing agent's file and confirmation of the claim reserve. Files should be emailed to [complaints-notification@lloyds.com](mailto:complaints-notification@lloyds.com) and must include all documentation, including reports and call recordings pertinent to the case along with the policy wording, schedule and case notes. These documents are to be provided within 3 working days in chronological order, as a single pdf document with no duplicated documentation or emails. Files too large to send in one email should be uploaded to secure store.

- Failure to provide the all documentation within this timeframe and/or in the required format will attract an additional administration charge per half hour taken to prepare the file.
- Lloyd's will issue a letter to the complainant informing them of the contact details of the complaint associate allocated to their case.
- These papers, together with documentation provided by the complainant, will be reviewed by Lloyd's Complaints team with further information being requested as necessary as part of Lloyd's investigation and assessment of the complaint. This review will take into account guidelines from FOS as well as rulings on previous, similar cases.
- Each Monday a report is emailed to each managing agent which provides details of all open cases that are being reviewed at stage two together with the contact details for the complaint associate. Emails relating to these cases are to be sent to the relevant complaint associate direct and not to the complaints or notification mailboxes. Emails incorrectly sent to these email addresses may cause delays.
- The subject line of emails should include Lloyd's complaints reference and the policyholder name.
- Requests for additional information / agreement to proposed resolution are to be responded to within the deadline provided by the complaint associate. The deadline provided will be dependent upon the regulatory deadline of the complaint.
- Where the Lloyd's proposed resolution to a complaint has a value of £50,000 or less (or where the proposed resolution involves a non-monetary outcome) the decision of the Lloyd's Complaints team may be made binding by them if agreement cannot be reached. Managing agents may appeal such decisions by appeal to the contact details provided on the Complaints Mandate proforma within 2 business days. Managing agents are required to appoint a nominated person(s) to make the appeal on their behalf. This person must be a senior person within the managing agent who is not directly involved with the management or oversight of either the claim or complaint process.
- All complaint associates are authorised to make a compensation payment of up to £50 without having to follow the formal mandate process. Such a payment will only be required where the complaint associate is satisfied that it is fair and reasonable to do so. Managing agents will be instructed to make the payment when Lloyd's Complaints team provides a copy of their Final Response.
- On completion of its review, Lloyd's Complaints team will issue a written Final Response to the complainant, together with the reasons for the decision. The letter will inform the complainant that they may refer the matter to the local EDR or FOS, as applicable.
- In most cases Lloyd's will complete its investigation and send the Final Response by the end of the regulatory deadline. Where Lloyd's Complaints team cannot provide a Final Response at this time, the complaint associate will send a letter to the complainant explaining why they are not in a position to provide a Final Response and when they expect to be able to provide one.

- A copy of the Final Response letter will be provided to the managing agent by Lloyd's Complaints team. Managing agents are asked to confirm that they have carried out the action required by Lloyd's Complaints team final response or an EDR decision. If it necessary for Lloyd's to chase for this confirmation, an additional administration charge will be levied.

### **Referral to Regulator or Ombudsman Service**

- Subject to applicable eligibility criteria, complainants may refer their complaint to their local EDR service (ombudsman or regulator), OR the UK Financial Ombudsman Service if no local EDR is available.
- Managing agents or their representatives must inform the Lloyd's Complaints team as soon as they are aware that a complaint has been referred to any EDR scheme.
- When the EDR process has been concluded a copy of the EDR outcome must be provided to Lloyd's Complaints team. Where the EDR scheme operates on a "non-binding" basis Lloyd's will also require confirmation as to whether the EDR decision is being accepted or rejected.

### **Assessment of Managing Agent Compliance with the Code**

- On a quarterly basis, Lloyd's will review managing agents' performance against the published standards, KPIs and other measures.
- Managing agents failing to meet the required standards will be required to explain the measures being taken to address any failings. Failure to improve performance may result in remedial or enforcement action.

### **FCA complaints return**

- Every six months, Lloyd's is required to submit a return to the FCA, detailing the number of complaints received, how quickly they were resolved, how many were upheld in the period and the amount of redress paid. This contains details of both UK and non-UK complaints.
- Managing agents will be required to provide details of the number of policies in place for eligible complainants, broken down into specific product categorisations.
- As required by the FCA, Lloyd's publishes these figures on its website at: [www.lloyds.com/complaints](http://www.lloyds.com/complaints).