

International Complaints Handling at Lloyd's: Australia

<p>Definition of a complaint</p>	<p>GICOP: An expression of dissatisfaction made to us, related to our products or services, or our complaints handling process itself, where a response or resolution is explicitly or implicitly expected.</p> <p>RG271: An expression of dissatisfaction to or about an organization, 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.</p>
<p>Definition of a complainant</p>	<p>RG271: A person or small business. It includes, at a minimum “an individual consumer or guarantor” and a ‘small business’ as defined by s761G of the Corporations Act.</p> <p>In addition, the Australian Financial Complaints Authority (AFCA) has jurisdiction to review complaints from the following:</p> <ul style="list-style-type: none"> a) an individual or individuals (including those acting as a trustee, legal personal representative or otherwise); b) a partnership comprising of individuals – if the partnership carries on a business, the business must be a Small Business; c) the corporate trustee of a self managed superannuation fund or a family trust – if the trust carries on a business, the business must be a Small Business; d) a Small Business (whether a sole trader or constituted as a company, partnership, trust or otherwise); e) a not-for-profit organisation, club or incorporated association – if the club or incorporated association carries on a business, the business must be a Small Business; f) a body corporate of a strata title or company title building which is wholly occupied for residential or Small Business purposes; or g) the policy holder of a group general insurance policy, where the dispute relates to the payment of benefits under that policy <p>In relation to:</p> <ul style="list-style-type: none"> (i) Retail General Insurance Policy (i.e. home, motor, sickness & accident, travel, personal & domestic property incl. valuables, pleasurecraft, caravans, fine art, farm etc, (ii) Residential Strata Title Insurance Product, (iii) Small Business Insurance Product (currently excluding legal liability or professional indemnity products); or (iv) Medical indemnity insurance product. <p>Small Business means a business employing under 100 employees at the time of the act or omission by the financial firm that gave rise to the complaint.</p>
<p>Application of Lloyd's procedure and local complaint regulations</p>	<p>All Australian Coverholders are required to meet the complaint handling standards set under the General Insurance Code of Practice and ASIC's Regulatory Guide 271. All open market business or business written by Overseas Coverholders will still be required to adhere to the Australian complaint process where the AFCA jurisdiction to review the dispute (as detailed above). All other matters will be referred to Lloyd's Complaints team in the UK for review if they fall within the jurisdiction of the UK FOS.</p>
<p>Timescale</p>	<p>Lloyd's operates a two-stage process in Australia.</p> <p>For clarity, the day a complaint is received is known as Day Zero.</p> <p>Accordingly, if counting calendar days, 1 Calendar Day means the calendar day after the complaint is received. Similarly, 1 Business Day means the business day after the complaint is received.</p>

	<p>Regardless of where in the process the complaint sits, the following timescale applies:</p> <p>Day Zero – Complaint received</p> <p>1 Business Day – Complaint acknowledged and the complainant provided the name and contact details of the person reviewing the complaint</p> <p>5 Business Days – Lloyd’s UK Complaints Team is notified of receipt using the Notification Spreadsheet</p> <p>10 Business Days – Stage One review due and, if not completed, escalated to Lloyd’s, unless entity reviewing complaint requests extension from Lloyd’s and provides update to the complainant</p> <p>At Least Every 10 Business Days – Entity reviewing complaint provides update to the complainant, unless otherwise agreed</p> <p>By 30 Calendar Days – Final decision due and, if not complete, written update provided to the complainant, including reasons for the delay, right to refer complaint to AFCA and AFCA contact details</p> <p>Stage One</p> <p>The Managing Agent or their representative, ie Delegated Claims Administrator or Coverholder, has 10 business days to attempt to resolve the complaint.</p> <p>Within 1 business day, the complaint will be acknowledged and the complainant will be provided the name and contact details of the person reviewing the complaint, using the ‘Complaint Acknowledgement (Stage 1) Template’.</p> <p>Within 5 business days, the complaint will be recorded on the Notification Spreadsheet and submitted to the Lloyd’s UK Complaints Team.</p> <p>If the complaint is resolved to the customer’s satisfaction at Stage One, the complainant is provided written confirmation of the outcome, using the ‘Resolution Letter (Stage 1) Template’. The Notification Spreadsheet is updated and submitted to the Lloyd’s UK Complaints Team within 2 business days.</p> <p>If the complainant remains dissatisfied following the outcome of the Stage One review, no decision letter is issued. Instead, the complainant is informed that the matter will be reviewed further by Lloyd’s, using the ‘Day-10 Update, IDR Delay Notification and Request for Further Information Template’. The complaint is automatically escalated to Stage Two with the completed ‘Stage 2 Escalation Template’ to Lloyd’s Australia IDR.</p> <p>The Notification Spreadsheet is updated with the outcome and submitted to the Lloyd’s UK Complaints Team within 2 business days. The complete file is provided, in accordance with the relevant Guidance Note to Managing Agents, within 2 business days.</p> <p>If the Stage One review cannot be completed within 10 business days, the case is escalated to Lloyd’s, using the ‘Stage 2 Escalation Template’. The Notification Spreadsheet is updated and submitted to the Lloyd’s UK Complaints Team within 2 business days. The complete file is provided, in accordance with the relevant Guidance Note to Managing Agents, within 2 business days.</p>
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External Dispute Resolution (EDR) scheme and eligibility	In addition to the above definition of complainant, AFCA will additionally consider complaints made against an insurer by another person in relation to property loss caused by the impact of a motor vehicle property (uninsured third-party complaints). The determination of third party disputes is limited to disputed amounts of AUD15,000 or less. For all other matters, the value of the claim is dispute cannot exceed AUD1,000,000. Maximum remedy available AUD500,000.
Local Regulatory Reporting Requirements	Lloyd’s Australia and Australian coverholder/TPAs are required to report complaint numbers by class, type and outcome once a year (July/August) as part of their Code obligations.
Lloyd’s Complaint Notice	The required complaints notices for Australian coverholders are incorporated within LMA3160 and LMA5544. The complaints notices for open market business and overseas coverholder business are LMA3161 and LMA5545. These are published on the Lloyd’s Wordings repository and referenced in the Pre-contractual notification and Insurance documents sections of Crystal.