

**Yoc Securities Pty Ltd**

**POLICY DOCUMENT**

**DISPUTE RESOLUTION**

Date produced: December 2014

**Responsibility:**           **(1) Compliance (Complaints) Manager**  
**(2) Managing Director**  
**(3) Directors**

**Reporting:**               **(1) On receipt of a Complaint**  
**(2) During the settlement process**  
**(3) On settlement**

### **Purpose of this Policy**

The purpose of this policy is to provide staff of Yoc Securities Pty Ltd ('Yoc Securities') with the correct procedures in relation to the handling, recording and monitoring of complaints received from clients and stakeholders.

Staff must always be conscious that, although the party raising an issue may not be covered by ASIC or other regulatory requirements, the issue raised may well have an impact on such a party and, therefore, must be handled accordingly.

Complaints should be dealt with at the earliest possible stage as doing so:

- prevents complaints from becoming entrenched;
- preserves customer relationships; and
- is often the most efficient and cost effective way of dealing with complaints.

This policy constitutes Yoc Securities' Internal Dispute Resolution system.

#### **1.1 What is a "complaint"?**

A complaint is "*an expression of dissatisfaction made to an organisation, related to its products, or the complaints handling process itself, where a response or resolution is explicitly or implicitly expected*". (AS ISO 10002-2006).

Where there is any doubt as to whether a communication received (either verbally or in writing) constitutes a formal complaint, it should be reported to the Compliance Manager immediately, who will make further investigations, and classify the matter as a complaint or otherwise.

As a general rule, complaints from parties not covered by ASIC and regulatory requirements should be handled in the same manner, regardless of source. Complaint recording procedures and systems will make the necessary distinctions.

## **2. DEALING WITH COMPLAINTS**

## **2.1 Initial Response**

All complaints, whether they are written or verbal are to be communicated to the Compliance Manager immediately, or as soon as practicable, on receipt of the complaint.

Upon receipt of the complaint:

- the Compliance Manager must immediately respond to the complainant verbally or in writing, advising that their expression of dissatisfaction has been received and will be responded to in line with Yoc Securities' Complaint Handling policy;
- the Compliance Manager will record the complaint in the Register of Complaints outlining the details of the complaint and any actions taken to date;
- the Compliance Manager conducts an initial assessment of the complaint to determine its severity and complexity and the possible need for immediate corrective action;
- the Compliance Manager assigns the responsibility of managing the complaint to the appropriate persons.

The Compliance Manager maintains records of all complaints, and reports quarterly to the Managing Director on all complaints received during the preceding quarter and actions being taken. Where necessary, the Compliance Manager will report significant complaints to the Managing Director as soon as practicable after receipt.

## **2.2 Acknowledgment**

The responsibility for acknowledging complaints in the first instance rests with the Compliance Manager, or in his absence, a staff member from the area where the complaint has emanated.

All complaints must be acknowledged immediately on receipt, either by phone or in writing. Any verbal communications between Yoc Securities' staff and the complainant are to be documented in a file note.

If a client requires assistance in making a complaint, reasonable assistance must be provided free of charge.

## **3. PROCESS & ADMINISTRATION**

Where a complaint constitutes or indicates a breach of any Yoc Securities compliance procedures, the matter must be reported immediately to the Compliance Manager and Managing Director, and handled accordingly.

### **3.1 Complaints Process**

The Compliance Manager:

- (a) must be notified of all complaints immediately on receipt. In the absence of the Compliance Manager, all complaints are to be notified to the Managing Director, who may seek the assistance of the Compliance Consultant.
- (b) will review the complaint immediately on receipt, assess the complaint in terms of criteria such as severity, complexity, impact and the need and possibility of immediate action, and will reassign it to the appropriate staff member for action;
- (c) will register the complaint in the Register of Complaints including the following information:
  - (i) Date the complaint was received;
  - (ii) Product / fund;
  - (iii) Investor's name;
  - (iv) Complaint detail;
  - (v) Any actions taken to date (if any);
  - (vi) Root cause;
  - (vii) Requested remedy and due date for response; and
  - (viii) Any long term actions required to prevent similar types of complaints recurring.
- (d) may provide assistance in resolving the complaint to the appropriate staff from whose service the complaint emanated. At first instance, this could include a meeting with the complainant to discuss issues relevant to the complaint, and explore possibilities for resolution;
- (e) monitors all complaints until they are resolved;
- (e) reports to the Managing Director on a quarterly basis on all new complaints; and
- (f) evaluates the complaints handling procedure at least annually.

### **3.2 Ownership**

It is the responsibility of the Compliance Manager, with assistance from relevant director, or, if applicable, an external service provider, to ensure that complaints are satisfactorily resolved.

The Compliance Manager and the relevant director must use their best endeavours to resolve the complaints as soon as practicable by:

- (a) communicating with the client in a positive and conciliatory manner;
- (b) addressing all issues that were raised in the complaint;
- (c) ensuring that all answers are accurate and understood;
- (d) giving clear and concise reasons for the decision reached;
- (e) keeping comprehensive notes on the progress of the complaint, including file notes on conversations; and
- (f) liaising with external and internal personnel where appropriate.

Where possible, decisions should be communicated in writing and should refer to applicable provisions in legislation, codes, standards or procedures. The written decisions should be clear, concise and effective, and avoid the use of legal or industry jargon which may be seen to confuse the client.

All complaints are to be addressed in an equitable, objective and unbiased manner. Furthermore, all complaints should be classified and then analysed to identify systematic, recurring and single incident problems and trends, and help eliminate the underlying causes of complaints

### **3.3 File Records**

Details of all complaints, and all supporting documentation must be retained within the Register of Complaints.

### **3.4 Remedies**

Depending on the nature of the complaint, Yoc Securities may offer the following remedies to the affected persons as part of the resolution of complaint:

- Compensation;
- Technical assistance;
- Referral to another service provider;
- Apology;
- Financial assistance;
- Goodwill gift or token;

- Indication of changes in process, policy or procedure arising from the complaint.

All compensation payments and financial assistance must be approved by the Managing Director.

Compensation should be made for any direct loss or damage caused as a result of a breach of Yoc Securities' obligations. When assessing the extent of loss or damage, consideration will be given to the relevant legal principles, codes of conduct, concepts of fairness and industry best practice. The Compliance Manager must consult the Managing Director and if necessary, the Compliance Consultant and/or external legal advisors, on issues of liability, and assessment of damages.

### **3.5 Reporting**

All complaints are recorded in the Register of Complaints by the Compliance Manager.

The Compliance Manager will monitor all complaints and report their status quarterly to the Managing Director.

### **3.6 Timeliness**

The Compliance Manager must investigate all complaints, assist with reaching a decision on the course of action, and ensure that the decision is communicated to the client within 45 days of the complaint being made.

### **3.7 Systemic and Recurring Problems**

A systemic problem is one that is caused by failures in the product or service design, delivery systems or organisational policies or procedures. They are often identified because of their recurring nature, for example, mistakes in a disclosure document which lead to uncertainty among investors about fees and charges.

In reporting complaints, the Compliance Manager or person raising the complaint must analyse their origination and determine the root cause to assist with the corrective actions.

If systemic or recurring, they should be classified as such. The Compliance Manager must take immediate steps to rectify any systemic or recurring problems.

If a complaint results from a breach of Yoc Securities' AFS Licence obligations, the Corporations Act or other regulatory requirements, that

breach must be treated in accordance with the requirements of the Breach Reporting policy.

### **3.8 Resolution**

If the action taken/decision made is believed to have satisfied/resolved the complaint, the matter will be considered resolved.

Where possible, and particularly in circumstances where compensation is paid, the Compliance Manager should attempt to have the complainant sign a Deed of Release, which acknowledges that the dispute has been resolved, and releases Yoc Securities from any liability in connection with the dispute/complaint.

### **3.9 Notification of Dispute Resolution Process**

Each disclosure document that is issued for any Yoc Securities service is to provide details about how clients can make a complaint.

A copy of the Complaint Handling Policy is to be provided within 7 days of a request from an external party.

### **3.10 Confidentiality**

Yoc Securities must ensure that the personal information is collected and used strictly for the purpose of addressing the complaint within the organisation, and the personal information should be actively protected from disclosure, unless the client has consented to its disclosure or the disclosure is required by law.

### **3.11 Procedure Review**

The complaint dealing procedure must be reviewed each twelve months to ensure its effectiveness and appropriateness.

### **3.12 External Dispute Resolution**

In the event that internal dispute resolution is unable to resolve the complaint, Yoc Securities will encourage the complainant to contact the Financial Ombudsman Service and lodge a dispute. Details are provided in the Financial Services Guide.

