



right by your side

## Feedback and Complaints Management Policy

LGIAsuper Trustee  
ABN 94 085 088 484  
RSE Licence No. L0000178

as trustee for

LGIAsuper  
ABN 23 053 121 564  
RSE Registration No. R1000160

# Policy – Feedback and Complaints Management



right by your side

## 1 PURPOSE

- 1.1 The purpose of this Feedback and Complaints Management Policy is to provide a framework for:
- (a) the review and consideration of Feedback; and
  - (b) the timely and effective management and resolution of Complaints received by Brighter Super, and ESI Financial Services Pty Ltd (ESIFS) or any other operating subsidiary of Brighter Super, collectively referred to as Brighter Super.

## 2 SCOPE

- 2.1 This Policy applies to all employees of Brighter Super.

## 3 OBJECTIVES AND FRAMEWORK

- 3.1 Brighter Super's feedback and complaints management framework (Framework) comprises:
- (a) this Policy;
  - (b) any procedures issued pursuant to this Policy; and
  - (c) systems to support the implementation of this Policy.
- 3.2 The Framework has four key objectives:
- (d) to improve member outcomes for Members and Clients;
  - (e) to seek to resolve Complaints received by Brighter Super promptly, consistently, fairly and in accordance with regulatory requirements;
  - (f) to enhance the Member, Employer, Client and other Key Stakeholder experience when interacting with Brighter Super; and
  - (g) to capture business intelligence to aid in the management of Complaints and to identify systemic or emerging issues to better inform product enhancement and service delivery.

## 4 POLICY DEFINITIONS

- 4.1 Key definitions used within this Policy and any underlying procedures are set out below:
- (a) **RCC** means the Brighter Super Risk and Compliance Committee of the Board.
  - (b) **AFCA** means the Australian Financial Complaints Authority, an ASIC-approved EDR scheme.
  - (c) **Board** means the Board of LGIASuper Trustee.
  - (d) **Business Days** means a day that is not a Saturday, Sunday or a public holiday in Brisbane, Queensland.
  - (e) **Brighter Super** means collectively the Fund, LGIASuper Trustee and ESIFS and any other subsidiary of the LGIASuper Trustee.
  - (f) **Client** means a client of ESIFS who has received financial advice.

- (g) **Complainant** means the person or organisation making the Complaint. A complainant may be any individual or organisation, including but not limited to:
- (i) a current or former Member of the Fund;
  - (ii) a current or former Client of ESIFS;
  - (iii) a current or former Client of any other operating subsidiary of LGIA Super Trustee;
  - (iv) a person with an interest in, or who claims an entitlement to, a death benefit;
  - (v) someone acting on behalf of the persons above or their estate, such as a family member or legal personal representative; or
  - (vi) parties (and intending parties) to an agreement under the *Family Law Act 1975* or an order affecting superannuation (e.g., a family law split).
- (h) **Complaint** means an expression of dissatisfaction made to or about the Brighter Super Group, related to their respective products, services, staff, or the handling of a complaint itself, where a response or resolution is explicitly or implicitly expected or legally required.
- (a) **Complaint Register** means the register of complaints maintained by the Brighter Super Group.
- (i) **Corporations Law** means the *Corporations Act 2001 (Cth)* and the *Corporations Regulation 2001 (Cth)*.
- (j) **Early Dispute Resolution** means the early dispute resolution process, which seeks to resolve a Complaint within five (5) business days of receipt. Early Dispute Resolution forms part of the IDR process.
- (k) **EDR** means the external dispute resolution process overseen by AFCA.
- (l) **EDRO** refers to the External Disputes Resolution Officer
- (b) **Employer** means an employer who participates in the Fund, in accordance with the Trust Deed.
- (m) **Feedback** means opinions, comments and expressions of dissatisfaction or concern, made directly or indirectly, explicitly or implicitly to or about Brighter Super, its products, services, staff or the handling of a complaint, where a response is not expected.
- (n) **Framework** means the feedback and complaints management framework developed and implemented by Brighter Super in accordance with this Policy.
- (o) **Fund** means the Brighter Super superannuation fund.
- (p) **IDR** means the internal dispute resolution process used by the Brighter Super Group under this Policy to manage Complaints in accordance with the Superannuation Law, Corporations Law and industry regulation. IDR incorporates the Early Dispute Resolution process.
- (q) **Key Stakeholder** means a Member, former Member, Client, former Client, Employer, Beneficiary (or potential Beneficiary), or another key stakeholder of Brighter Super.
- (r) **Member** means a current or former member of the Fund.
- (s) **Preventative Action** means action taken by Brighter Super following review of a Complaint to prevent or minimise the chance of recurrence of the event or circumstances which caused the Complaint.
- (t) **Regulatory Requirements** includes, but is not limited to, the following:
- (i) s101 of the *Superannuation Industry (Supervision) Act 1993*;
  - (ii) s1017DA of the *Corporations Act 2001 (Cth)*;

- (iii) s912A (2) of the *Corporations Act 2001*;
- (iv) Regulation 7.9.48B *Corporations Regulations 2001*;
- (v) ASIC Regulatory Guide 271 *Internal Dispute Resolution* (RG 271); and
- (vi) Regulatory Guide 267 *Oversight of the Australian Financial Complaints Authority* (RG 267)

each as amended or supplemented from time to time.

- (u) **Remedial Action** means action(s) taken by the Brighter Super Group to remedy a Complaint for the Complainant.
- (v) **Superannuation Law** means the *Superannuation Industry (Supervision) Act 1993 (Cth)*, the *Superannuation Industry (Supervision) Regulations 1994 (Cth)* and the *Superannuation (Resolution of Complaints) Act 1993 (Cth)* as amended from time to time.
- (w) **Trust Deed** means the LGIASuper Trust Deed, as amended from time to time.
- (x) **Vulnerable Customers** means a person who needs additional assistance in lodging a Complaint as a result of one or more of the following statuses:
  - (i) age (i.e., members who have met preservation age and are more vulnerable to elderly abuse);
  - (ii) disability;
  - (iii) mental health concerns;
  - (iv) physical health conditions;
  - (v) family violence;
  - (vi) family breakdown;
  - (vii) language barriers;
  - (viii) literacy barriers;
  - (ix) cultural background;
  - (x) Aboriginal and Torres Strait Islander peoples with emphasis on those located in remote regional and rural locations, and those with a financial counsellor listed as a third party authority;
  - (xi) geographic location;
  - (xii) financial distress;
  - (xiii) higher susceptibility to cybersecurity and /or fraud incidents (e.g., ID theft, lack of technological capability);
  - (xiv) isolation;
  - (xv) emergency event or natural disaster;
  - (xvi) homelessness; and
  - (xvii) incarceration.

## 5 POLICY PRINCIPLES

- 5.1 Brighter Super is committed to managing Feedback and Complaints in accordance with the guiding principles set out below. Member and people focus.
- 5.2 Members and other Key Stakeholders have a right to provide Feedback and to make a Complaint when dissatisfied.
- 5.3 Brighter Super:
  - (a) welcomes Feedback and values Complaints;

- (b) adopts a member-focused and proactive approach to seeking and receiving Feedback and Complaints and is committed to addressing any issues raised within a reasonable timeframe; and
  - (c) will take steps to resolve a Complaint through the Early Dispute Resolution Process, where practicable and permitted under RG 271.
- 5.4 Members and Key Stakeholders will be treated with respect when providing Feedback or a Complaint.
- 5.5 Brighter Super will take all reasonable steps to ensure that Complainants are not adversely affected if providing Feedback or making a Complaint.
- 5.6 Feedback and Complaints may be made anonymously, although identification is encouraged so that Brighter Super can properly respond to issues raised.

***Accessibility, visibility and transparency***

- 5.7 Information about the Framework (including a publicly available Complaints Policy) will be easily accessible to the public and made available free-of-charge on the Brighter Super website. AFCA's role and contact details will also be published on key documents in accordance with Regulatory Requirements (e.g., Product Disclosure Statements, Financial Services Guide, periodic statements, and complaint response letters).
- 5.8 Feedback and Complaints may be made in person, via telephone, or in writing (email, facsimile or correspondence, social media). Wherever practicable, a voice recording system should be available to record verbal complaints received via telephone.
- 5.9 Reasonable assistance will be made available to all individuals or entities wishing to provide Feedback or make a Complaint, including Vulnerable Customers, who will be supported through the process.
- 5.10 A person may request that another person or organisation assist or represent them when providing Feedback or making a Complaint, and Complaints will be accepted from such authorised representatives.

***Responsiveness and communication***

- 5.11 Feedback and Complaints will be acknowledged and, in the case of Complaints, will be responded to fairly, reasonably and in a timely manner in accordance with the requirements of RG 271.
- 5.12 As required by RG 271, Complainants will be kept informed about the progress of their Complaint, and advised of the outcome reached, with reasons provided for a decision, and any review options available, including the availability of the EDR process.
- 5.13 All Complaints will be recorded and tracked, and timeframes for resolution monitored. Where set timeframes cannot be met, the Complaint will be escalated for review and oversight.
- 5.14 Where practicable, a Brighter Super Disputes Resolution team member who receives a Complaint should remain the main point of contact with the Complainant throughout any Early Dispute Resolution Process involving the Complaint.

***Objectivity, fairness and equity***

- 5.15 Complaints will be managed objectively, fairly and without bias.
- 5.16 Complaints will be addressed in an equitable manner and in accordance with this Policy.
- 5.17 Conflicts of interest, or perceived conflicts of interest, for the Brighter Super group staff who receive and/or oversee a Complaint shall be managed in accordance with the Brighter Super *Conflicts Management Policy*.

### ***Conduct of parties and work health and safety***

- 5.18 Brighter Super will ensure that its representatives are appropriately trained so that Feedback and Complaints are handled professionally and in accordance with this Policy.
- 5.19 Where the Complainant's conduct is unreasonable or aggressive, Brighter Super will implement strategies to manage the conduct so that the Complaint can be resolved, wherever possible, whilst ensuring that the welfare and wellbeing of its staff are protected.

### ***Privacy and disclosure***

- 5.20 Complaints will be handled confidentially, with any Personal Information (defined in accordance with the *Privacy Act 1988*) disclosed by the Complainant managed in accordance with Brighter Super's *Privacy Policy*.
- 5.21 Complaints about privacy will be managed under this Policy, however the Brighter Super Privacy Officer will have oversight and accountability for the resolution of the Complaint.

### ***Accountability and prevention***

- 5.22 Brighter Super will have formal, documented procedures and processes for managing Feedback and Complaints which support compliance with this Policy.
- 5.23 The Framework must ensure that any breach or incident relating to a Feedback or Complaint is identified and recorded. Formal notification of a breach or incident must be reported and managed under the *Incident and Breach Management Policy*.
- 5.24 A Complaint may not be formally closed until Remedial Actions have been finalised.
- 5.25 A Complaint may not be formally closed until any Preventative Actions have been finalised, unless the Preventative Action is being formally tracked and monitored in accordance with the *Incident and Breach Management Policy*.
- 5.26 Brighter Super may approve the closure of a Complaint provided that:
- (a) the Complaint is <90 days old; and,
  - (b) the Complaint has completed both IDR and EDR processes; and,
  - (c) Brighter Super is satisfied the Complaint is resolved.

### ***Reporting and Continuous Improvement***

- 5.27 The resourcing and funding of this Framework will be reviewed annually by the RCC, to ensure it is adequate. The results of the review will be reported to the Brighter Super Board.
- 5.28 The Framework will be reviewed and updated regularly to ensure its effectiveness, compliance with this Policy and ongoing improvement.
- 5.29 Complaints must be reported to the Board and management in accordance with this Policy and the Framework.
- 5.30 Data recorded for Feedback and Complaints must be recorded in a Complaints Register and regularly analysed by Brighter Super Group management to:
- (a) deliver better Member and Client outcomes;
  - (b) drive improvements and efficiencies in products and services offered by Brighter Super; and
  - (c) identify trends or systemic issues.

### ***Empowerment of Staff***

- 5.31 All Brighter Super staff will be trained to receive, acknowledge, and register Feedback and Complaints.

- 5.32 Information technology systems will be accessible to Brighter Super staff to assist with the timely and effective management of Feedback and Complaints, including monitoring, in accordance with this Policy.
- 5.33 All Member / Client / Employer facing employees of Brighter Super will be trained to manage early resolution Complaints that are relevant to their role.
- 5.34 Nominated Brighter Super staff will be trained to manage certain types of Complaints throughout the IDR Process, in accordance with their delegated authority and procedures issued pursuant to this Policy.
- 5.35 Brighter Super staff will be encouraged to provide feedback on the Framework as a valuable source of insight into Brighter Super's operations.

### ***Training and support***

- 5.36 Staff training will be provided to ensure that employees can discharge their responsibilities appropriately in accordance with this Policy and underlying procedures.
- 5.37 Staff training will be appropriate, tailored and practical, and will be held at least annually.

### ***Complaints involving multiple parties***

- 5.38 Where a Complaint involves a Brighter Super service provider e.g., insurer or administrator, Brighter Super will ensure that there are appropriate procedures in place to manage the communication and coordination of the Complaint. Where practicable, information should be exchanged between the parties to assist with a coordinated investigation of the Complaint, provided privacy and confidentiality obligations are maintained.

### ***Outsourcing of the Complaints management process***

- 5.39 Parts of the Complaints management process may be outsourced to Brighter Super's administrators, provided that the management of these Complaints is aligned with this Policy.
- 5.40 Brighter Super will take steps to ensure that the management of Complaints by its administrators complies with all Regulatory Requirements.
- 5.41 Brighter Super will monitor the ongoing performance of its administrators in relation to the management of Complaints.

## **6 GUIDELINES FOR PROCEDURES**

- 6.1 Brighter Super will issue procedures which prescribe minimum standards and guidelines to ensure compliance with this Policy. At a minimum, these procedures must include:
- (a) an internal dispute resolution procedure that complies with the requirements of this Policy, RG 271 and any other Regulatory Requirements that apply to Brighter Super;
  - (b) a requirement to acknowledge (verbally or in writing) receipt of a Complaint within 24 hours (or one business day) of receiving it, or as soon as practicable;
  - (c) a requirement that a final written response, including the date of the decision, the final outcome of their complaint, details of (any) actions taken and the reasons for the decision including the Complainant's right to take their Complaint to AFCA and contact details for AFCA, be provided to a Complainant:
    - (i) for all Complaints regarding financial hardship, a declined insurance claim, the value of an insurance claim or a formal decision of Brighter Super;
    - (ii) where the Complainant has requested a written response; or

- (iii) any other Complaint received by Brighter Super, unless it is resolved under the Early Dispute Resolution process:
  - A. to the Complainant's satisfaction; or
  - B. where the Complainant has been given an explanation and/or apology and Brighter Super can take no further action to reasonably address the Complaint;
- (d) delegations of authority to resolve certain types of Early Dispute Resolution or IDR Complaints (including the approval of compensation to a Complainant) with clear requirements as to how these delegations may be exercised;
- (e) a process for managing, tracking, responding to (within regulatory timeframes) and recording of Complaints, including the following Complaint types:

**TABLE 1**

Complaint Type	Timeframe*
Privacy Complaints – unauthorised use of personal information or data – to ensure compliance with the Privacy Policy	30 days (response must include Office of the Australian Information Commissioner contact details)
Death benefit distribution Complaints or objections	90 days^
Income protection, death and/or TPD insurance claims, disputes and processes (including acceptance or rejection of claims or the benefit amount)	45 days
Any other Complaints made about Brighter Super (Trustee or Fund)	45 days
Any other Complaints made about ESIFS	30 days

\*calendar days

^90 days commences after expiry of the 28 calendar day period allowed for objecting to a distribution under s1056(2) *Corporations Act*.

- (f) a process for issuing an IDR delay notification to the Complainant where the timeframes in Table 1 above cannot be met (due to circumstances beyond the control or where the Complaint is complex). The notification must advise the Complainant of the reason for the delay, their right to complain to AFCA and AFCA's contact details;
- (g) a process for ensuring that incidents and breaches are identified and reported under the *Incident and Breach Management Policy*, as part of the receipt and management of Complaints;
- (h) a process for conducting annual audits to identify non-conformance with this Policy; and
- (i) a process for reporting on Feedback and Complaints to the Board, RCC and management, including appropriate metrics and analysis, and the identification of systemic issues.

## 7 EXTERNAL DISPUTE RESOLUTION SCHEME

### ***Australian Financial Complaints Authority***

7.1 Brighter Super will maintain memberships with AFCA as required.

7.2 Brighter Super will ensure that Complainants are made aware of AFCA, AFCA’s contact details, and the Complainant’s right to take their Complaint to AFCA, in accordance with Regulatory Requirements.

**8 STRATEGIC ALIGNMENT**

- 8.1 This document is part of Brighter Super’s Risk Management Framework.
- 8.2 Providing a fair, efficient and transparent process through which our members can air their concerns with Brighter Super is an important part of delivering on our values.

**9 APPROVAL AND REVIEW DETAILS**

Approval and Review	Details
Policy Version Number	6
Approval Date	25 September 2023
Next Review Date	Annually (next review: 25 September 2024)